

Calendar No. 363

111TH CONGRESS
2^D SESSION**S. 3307****[Report No. 111-178]**

To reauthorize child nutrition programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2010

Mrs. LINCOLN from the Committee on Agriculture, Nutrition, and Forestry reported the following original bill; which was read twice and placed on the calendar

A BILL

To reauthorize child nutrition programs, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Healthy, Hunger-Free Kids Act of 2010”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—A PATH TO END CHILDHOOD HUNGER

Subtitle A—National School Lunch Program

- Sec. 101. Improving direct certification.
- Sec. 102. Categorical eligibility of foster children.
- Sec. 103. Direct certification for children receiving Medicaid benefits.
- Sec. 104. Eliminating individual applications through community eligibility.

Subtitle B—Summer Food Service Program

- Sec. 111. Alignment of eligibility rules for public and private sponsors.
- Sec. 112. Outreach to eligible families.
- Sec. 113. Summer food service support grants.

Subtitle C—Child and Adult Care Food Program

- Sec. 121. Simplifying area eligibility determinations in the child and adult care food program.
- Sec. 122. Expansion of afterschool meals for at-risk children.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

- Sec. 131. Certification periods.

Subtitle E—Miscellaneous

- Sec. 141. Childhood hunger research.
- Sec. 142. State childhood hunger challenge grants.
- Sec. 143. Review of local policies on meal charges and provision of alternate meals.

TITLE II—REDUCING CHILDHOOD OBESITY AND IMPROVING THE DIETS OF CHILDREN

Subtitle A—National School Lunch Program

- Sec. 201. Performance-based reimbursement rate increases for new meal patterns.
- Sec. 202. Nutrition requirements for fluid milk.
- Sec. 203. Water.
- Sec. 204. Local school wellness policy implementation.
- Sec. 205. Equity in school lunch pricing.
- Sec. 206. Revenue from nonprogram foods sold in schools.
- Sec. 207. Reporting and notification of school performance.
- Sec. 208. Nutrition standards for all foods sold in school.
- Sec. 209. Information for the public on the school nutrition environment.
- Sec. 210. Organic food pilot program.

Subtitle B—Child and Adult Care Food Program

- Sec. 221. Nutrition and wellness goals for meals served through the child and adult care food program.
- Sec. 222. Interagency coordination to promote health and wellness in child care licensing.
- Sec. 223. Study on nutrition and wellness quality of child care settings.

Subtitle C—Special Supplemental Nutrition Program for Women, Infants, and Children

- Sec. 231. Support for breastfeeding in the WIC Program.
- Sec. 232. Review of available supplemental foods.

Subtitle D—Miscellaneous

- Sec. 241. Nutrition education and obesity prevention grant program.
- Sec. 242. Procurement and processing of food service products and commodities.
- Sec. 243. Access to Local Foods: Farm to School Program.
- Sec. 244. Research on strategies to promote the selection and consumption of healthy foods.

TITLE III—IMPROVING THE MANAGEMENT AND INTEGRITY OF CHILD NUTRITION PROGRAMS

Subtitle A—National School Lunch Program

- Sec. 301. Privacy protection.
- Sec. 302. Applicability of food safety program on entire school campus.
- Sec. 303. Fines for violating program requirements.
- Sec. 304. Independent review of applications.
- Sec. 305. Program evaluation.
- Sec. 306. Professional standards for school food service.
- Sec. 307. Indirect costs.
- Sec. 308. Ensuring safety of school meals.

Subtitle B—Summer Food Service Program

- Sec. 321. Summer food service program permanent operating agreements.
- Sec. 322. Summer food service program disqualification.

Subtitle C—Child and Adult Care Food Program

- Sec. 331. Renewal of application materials and permanent operating agreements.
- Sec. 332. State liability for payments to aggrieved child care institutions.
- Sec. 333. Transmission of income information by sponsored family or group day care homes.
- Sec. 334. Simplifying and enhancing administrative payments to sponsoring organizations.
- Sec. 335. Child and adult care food program audit funding.
- Sec. 336. Reducing paperwork and improving program administration.
- Sec. 337. Study relating to the child and adult care food program.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

- Sec. 351. Sharing of materials with other programs.
- Sec. 352. WIC program management.
- Sec. 353. Efficacy of foods eligible for use under the special supplemental nutrition program for women, infants, and children.

Subtitle E—Miscellaneous

- Sec. 361. Full use of Federal funds.

Sec. 362. Disqualified schools, institutions, and individuals.

TITLE IV—MISCELLANEOUS

Subtitle A—Reauthorization of Expiring Provisions

PART I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

- Sec. 401. Commodity support.
- Sec. 402. Food safety audits and reports by States.
- Sec. 403. Procurement training.
- Sec. 404. Authorization of the summer food service program for children.
- Sec. 405. Year-round services for eligible entities.
- Sec. 406. Training, technical assistance, and food service management institute.
- Sec. 407. Federal administrative support.
- Sec. 408. Compliance and accountability.
- Sec. 409. Information clearinghouse.

PART II—CHILD NUTRITION ACT OF 1966

- Sec. 421. Technology infrastructure improvement.
- Sec. 422. State administrative expenses.
- Sec. 423. Special supplemental nutrition program for women, infants, and children.
- Sec. 424. Farmers market nutrition program.

Subtitle B—Technical Amendments

- Sec. 441. Technical amendments.
- Sec. 442. Environmental quality incentives program.
- Sec. 443. Budgetary effects.
- Sec. 444. Effective date.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Agriculture.

4 **TITLE I—A PATH TO END** 5 **CHILDHOOD HUNGER**

6 **Subtitle A—National School Lunch** 7 **Program**

8 **SEC. 101. IMPROVING DIRECT CERTIFICATION.**

9 (a) PERFORMANCE AWARDS.—Section 9(b)(4) of the
10 Richard B. Russell National School Lunch Act (42 U.S.C.
11 1758(b)(4)) is amended—

1 (1) in the paragraph heading, by striking
2 “FOOD STAMP” and inserting “SUPPLEMENTAL NU-
3 TRITION ASSISTANCE PROGRAM”; and

4 (2) by adding at the end the following:

5 “(E) PERFORMANCE AWARDS.—

6 “(i) IN GENERAL.—Effective for each
7 of the school years beginning July 1, 2011,
8 July 1, 2012, and July 1, 2013, the Sec-
9 retary shall offer performance awards to
10 States to encourage the States to ensure
11 that all children eligible for direct certifi-
12 cation under this paragraph are certified in
13 accordance with this paragraph.

14 “(ii) REQUIREMENTS.—For each
15 school year described in clause (i), the Sec-
16 retary shall—

17 “(I) consider State data from the
18 prior school year, including estimates
19 contained in the report required under
20 section 4301 of the Food, Conserva-
21 tion, and Energy Act of 2008 (42
22 U.S.C. 1758a); and

23 “(II) make performance awards
24 to not more than 15 States that dem-

1 onstrate, as determined by the Sec-
2 retary—

3 “(aa) outstanding perform-
4 ance; and

5 “(bb) substantial improve-
6 ment.

7 “(iii) USE OF FUNDS.—A State agen-
8 cy that receives a performance award
9 under clause (i)—

10 “(I) shall treat the funds as pro-
11 gram income; and

12 “(II) may transfer the funds to
13 school food authorities for use in car-
14 rying out the program.

15 “(iv) FUNDING.—

16 “(I) IN GENERAL.—On October
17 1, 2011, and each subsequent October
18 1 through October 1, 2013, out of any
19 funds in the Treasury not otherwise
20 appropriated, the Secretary of the
21 Treasury shall transfer to the Sec-
22 retary—

23 “(aa) \$2,000,000 to carry
24 out clause (ii)(II)(aa); and

1 “(bb) \$2,000,000 to carry
2 out clause (ii)(II)(bb).

3 “(II) RECEIPT AND ACCEPT-
4 ANCE.—The Secretary shall be enti-
5 tled to receive, shall accept, and shall
6 use to carry out this clause the funds
7 transferred under subclause (I), with-
8 out further appropriation.

9 “(v) PAYMENTS NOT SUBJECT TO JU-
10 DICIAL REVIEW.—A determination by the
11 Secretary whether, and in what amount, to
12 make a performance award under this sub-
13 paragraph shall not be subject to adminis-
14 trative or judicial review.”.

15 (b) CONTINUOUS IMPROVEMENT PLANS.—Section
16 9(b)(4) of the Richard B. Russell National School Lunch
17 Act (42 U.S.C. 1758(b)(4)) (as amended by subsection
18 (a)) is amended by adding at the end the following:

19 “(F) CONTINUOUS IMPROVEMENT
20 PLANS.—

21 “(i) DEFINITION OF REQUIRED PER-
22 CENTAGE.—In this subparagraph, the term
23 ‘required percentage’ means—

24 “(I) for the school year beginning
25 July 1, 2011, 80 percent;

1 “(II) for the school year begin-
2 ning July 1, 2012, 90 percent; and

3 “(III) for the school year begin-
4 ning July 1, 2013, and each school
5 year thereafter, 95 percent.

6 “(ii) REQUIREMENTS.—Each school
7 year, the Secretary shall—

8 “(I) identify, using estimates
9 contained in the report required under
10 section 4301 of the Food, Conserva-
11 tion, and Energy Act of 2008 (42
12 U.S.C. 1758a), States that directly
13 certify less than the required percent-
14 age of the total number of children in
15 the State who are eligible for direct
16 certification under this paragraph;

17 “(II) require the States identified
18 under subclause (I) to implement a
19 continuous improvement plan to fully
20 meet the requirements of this para-
21 graph, which shall include a plan to
22 improve direct certification for the fol-
23 lowing school year; and

24 “(III) assist the States identified
25 under subclause (I) to develop and im-

1 plement a continuous improvement
2 plan in accordance with subclause
3 (II).

4 “(iii) FAILURE TO MEET PERFORM-
5 ANCE STANDARD.—

6 “(I) IN GENERAL.—A State that
7 is required to develop and implement
8 a continuous improvement plan under
9 clause (ii)(II) shall be required to sub-
10 mit the continuous improvement plan
11 to the Secretary, for the approval of
12 the Secretary.

13 “(II) REQUIREMENTS.—At a
14 minimum, a continuous improvement
15 plan under subclause (I) shall in-
16 clude—

17 “(aa) specific measures that
18 the State will use to identify
19 more children who are eligible for
20 direct certification, including im-
21 provements or modifications to
22 technology, information systems,
23 or databases;

1 “(bb) a timeline for the
2 State to implement those meas-
3 ures; and

4 “(cc) goals for the State to
5 improve direct certification re-
6 sults.”.

7 (c) WITHOUT FURTHER APPLICATION.—Section
8 9(b)(4) of the Richard B. Russell National School Lunch
9 Act (42 U.S.C. 1758(b)(4)) (as amended by subsection
10 (b)) is amended by adding at the end the following:

11 “(G) WITHOUT FURTHER APPLICATION.—

12 “(i) IN GENERAL.—In this paragraph,
13 the term ‘without further application’
14 means that no action is required by the
15 household of the child.

16 “(ii) CLARIFICATION.—A requirement
17 that a household return a letter notifying
18 the household of eligibility for direct cer-
19 tification or eligibility for free school meals
20 does not meet the requirements of clause
21 (i).”.

1 **SEC. 102. CATEGORICAL ELIGIBILITY OF FOSTER CHIL-**
2 **DREN.**

3 (a) DISCRETIONARY CERTIFICATION.—Section
4 9(b)(5) of the Richard B. Russell National School Lunch
5 Act (42 U.S.C. 1758(b)(5)) is amended—

6 (1) in subparagraph (C), by striking “or” at
7 the end;

8 (2) in subparagraph (D), by striking the period
9 at the end and inserting “; or”; and

10 (3) by adding at the end the following:

11 “(E)(i) a foster child whose care and
12 placement is the responsibility of an agency
13 that administers a State plan under part B or
14 E of title IV of the Social Security Act (42
15 U.S.C. 621 et seq.); or

16 “(ii) a foster child who a court has placed
17 with a caretaker household.”.

18 (b) CATEGORICAL ELIGIBILITY.—Section
19 9(b)(12)(A) of the Richard B. Russell National School
20 Lunch Act (42 U.S.C. 1758(b)(12)(A)) is amended—

21 (1) in clause (iv), by adding “)” before the
22 semicolon at the end;

23 (2) in clause (v), by striking “or” at the end;

24 (3) in clause (vi), by striking the period at the
25 end and inserting “; or”; and

26 (4) by adding at the end the following:

1 “(vii)(I) a foster child whose care and
2 placement is the responsibility of an agen-
3 cy that administers a State plan under
4 part B or E of title IV of the Social Secu-
5 rity Act (42 U.S.C. 621 et seq.); or

6 “(II) a foster child who a court has
7 placed with a caretaker household.”.

8 (c) DOCUMENTATION.—Section 9(d)(2) of the Rich-
9 ard B. Russell National School Lunch Act (42 U.S.C.
10 1758(d)(2)) is amended—

11 (1) in subparagraph (D), by striking “or” at
12 the end;

13 (2) in subparagraph (E), by striking the period
14 at the end and inserting “; or”; and

15 (3) by adding at the end the following:

16 “(F)(i) documentation has been provided
17 to the appropriate local educational agency
18 showing the status of the child as a foster child
19 whose care and placement is the responsibility
20 of an agency that administers a State plan
21 under part B or E of title IV of the Social Se-
22 curity Act (42 U.S.C. 621 et seq.); or

23 “(ii) documentation has been provided to
24 the appropriate local educational agency show-
25 ing the status of the child as a foster child who

1 a court has placed with a caretaker house-
2 hold.”.

3 **SEC. 103. DIRECT CERTIFICATION FOR CHILDREN RECEIV-**
4 **ING MEDICAID BENEFITS.**

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

8 “(15) DIRECT CERTIFICATION FOR CHILDREN
9 RECEIVING MEDICAID BENEFITS.—

10 “(A) DEFINITIONS.—In this paragraph:

11 “(i) ELIGIBLE CHILD.—The term ‘eli-
12 gible child’ means a child—

13 “(I)(aa) who is eligible for and
14 receiving medical assistance under the
15 Medicaid program; and

16 “(bb) who is a member of a fam-
17 ily with an income as measured by the
18 Medicaid program before the applica-
19 tion of any expense, block, or other in-
20 come disregard, that does not exceed
21 133 percent of the poverty line (as de-
22 fined in section 673(2) of the Commu-
23 nity Services Block Grant Act (42
24 U.S.C. 9902(2), including any revision
25 required by such section)) applicable

1 to a family of the size used for pur-
2 poses of determining eligibility for the
3 Medicaid program; or

4 “(II) who is a member of a
5 household (as that term is defined in
6 section 245.2 of title 7, Code of Fed-
7 eral Regulations (or successor regula-
8 tions) with a child described in sub-
9 clause (I).

10 “(ii) MEDICAID PROGRAM.—The term
11 ‘Medicaid program’ means the program of
12 medical assistance established under title
13 XIX of the Social Security Act (42 U.S.C.
14 1396 et seq.).

15 “(B) DEMONSTRATION PROJECT.—

16 “(i) IN GENERAL.—The Secretary,
17 acting through the Administrator of the
18 Food and Nutrition Service and in co-
19 operation with selected State agencies,
20 shall conduct a demonstration project in
21 selected local educational agencies to deter-
22 mine whether direct certification of eligible
23 children is an effective method of certifying
24 children for free lunches and breakfasts
25 under section 9(b)(1)(A) of this Act and

1 section 4(e)(1)(A) of the Child Nutrition
2 Act of 1966 (42 U.S.C. 1773(e)(1)(A)).

3 “(ii) SCOPE OF PROJECT.—The Sec-
4 retary shall carry out the demonstration
5 project under this subparagraph—

6 “(I) for the school year beginning
7 July 1, 2012, in selected local edu-
8 cational agencies that collectively
9 serve 2.5 percent of students certified
10 for free and reduced price meals na-
11 tionwide, based on the most recent
12 available data;

13 “(II) for the school year begin-
14 ning July 1, 2013, in selected local
15 educational agencies that collectively
16 serve 5 percent of students certified
17 for free and reduced price meals na-
18 tionwide, based on the most recent
19 available data; and

20 “(III) for the school year begin-
21 ning July 1, 2014, and each subse-
22 quent school year, in selected local
23 educational agencies that collectively
24 serve 10 percent of students certified
25 for free and reduced price meals na-

1 tionwide, based on the most recent
2 available data.

3 “(iii) PURPOSES OF THE PROJECT.—

4 At a minimum, the purposes of the dem-
5 onstration project shall be—

6 “(I) to determine the potential of
7 direct certification with the Medicaid
8 program to reach children who are eli-
9 gible for free meals but not certified
10 to receive the meals;

11 “(II) to determine the potential
12 of direct certification with the Med-
13 icaid program to directly certify chil-
14 dren who are enrolled for free meals
15 based on a household application; and

16 “(III) to provide an estimate of
17 the effect on Federal costs and on
18 participation in the school lunch pro-
19 gram under this Act and the school
20 breakfast program established by sec-
21 tion 4 of the Child Nutrition Act of
22 1966 (42 U.S.C. 1773) of direct cer-
23 tification with the Medicaid program.

24 “(iv) COST ESTIMATE.—For each of 2
25 school years of the demonstration project,

1 the Secretary shall estimate the cost of the
2 direct certification of eligible children for
3 free school meals through data derived
4 from—

5 “(I) the school meal programs
6 authorized under this Act and the
7 Child Nutrition Act of 1966 (42
8 U.S.C. 1771 et seq.);

9 “(II) the Medicaid program; and

10 “(III) interviews with a statis-
11 tically representative sample of house-
12 holds.

13 “(C) AGREEMENT.—

14 “(i) IN GENERAL.—Not later than
15 July 1 of the first school year during
16 which a State agency will participate in the
17 demonstration project, the State agency
18 shall enter into an agreement with the 1 or
19 more State agencies conducting eligibility
20 determinations for the Medicaid program.

21 “(ii) WITHOUT FURTHER APPLICA-
22 TION.—Subject to paragraph (6), the
23 agreement described in subparagraph (D)
24 shall establish procedures under which an
25 eligible child shall be certified for free

1 lunches under this Act and free breakfasts
2 under section 4 of the Child Nutrition Act
3 of 1966 (42 U.S.C. 1773), without further
4 application (as defined in paragraph
5 (4)(G)).

6 “(D) CERTIFICATION.—For the school
7 year beginning on July 1, 2012, and each sub-
8 sequent school year, subject to paragraph (6),
9 the local educational agencies participating in
10 the demonstration project shall certify an eligi-
11 ble child as eligible for free lunches under this
12 Act and free breakfasts under the Child Nutri-
13 tion Act of 1966 (42 U.S.C. 1771 et seq.),
14 without further application (as defined in para-
15 graph (4)(G)).

16 “(E) SITE SELECTION.—

17 “(i) IN GENERAL.—To be eligible to
18 participate in the demonstration project
19 under this subsection, a State agency shall
20 submit to the Secretary an application at
21 such time, in such manner, and containing
22 such information as the Secretary may re-
23 quire.

24 “(ii) CONSIDERATIONS.—In selecting
25 States and local educational agencies for

1 participation in the demonstration project,
2 the Secretary may take into consideration
3 such factors as the Secretary considers to
4 be appropriate, which may include—

5 “(I) the rate of direct certifi-
6 cation;

7 “(II) the share of individuals who
8 are eligible for benefits under the sup-
9 plemental nutrition assistance pro-
10 gram established under the Food and
11 Nutrition Act of 2008 (7 U.S.C. 2011
12 et seq.) who participate in the pro-
13 gram, as determined by the Secretary;

14 “(III) the income eligibility limit
15 for the Medicaid program;

16 “(IV) the feasibility of matching
17 data between local educational agen-
18 cies and the Medicaid program;

19 “(V) the socioeconomic profile of
20 the State or local educational agen-
21 cies; and

22 “(VI) the willingness of the State
23 and local educational agencies to com-
24 ply with the requirements of the dem-
25 onstration project.

1 “(F) ACCESS TO DATA.—For purposes of
2 conducting the demonstration project under this
3 paragraph, the Secretary shall have access to—

4 “(i) educational and other records of
5 State and local educational and other
6 agencies and institutions receiving funding
7 or providing benefits for 1 or more pro-
8 grams authorized under this Act or the
9 Child Nutrition Act of 1966 (42 U.S.C.
10 1771 et seq.); and

11 “(ii) income and program participa-
12 tion information from public agencies ad-
13 ministering the Medicaid program.

14 “(G) REPORT TO CONGRESS.—Not later
15 than October 1, 2014, the Secretary shall sub-
16 mit to the Committee on Education and Labor
17 of the House of Representatives and the Com-
18 mittee on Agriculture, Nutrition, and Forestry
19 of the Senate, a report that describes the re-
20 sults of the demonstration project required
21 under this paragraph.

22 “(H) FUNDING.—

23 “(i) IN GENERAL.—On October 1,
24 2010, out of any funds in the Treasury not
25 otherwise appropriated, the Secretary of

1 the Treasury shall transfer to the Sec-
2 retary to carry out subparagraph (G)
3 \$5,000,000, to remain available until ex-
4 pended.

5 “(ii) RECEIPT AND ACCEPTANCE.—
6 The Secretary shall be entitled to receive,
7 shall accept, and shall use to carry out
8 subparagraph (G) the funds transferred
9 under clause (i), without further appro-
10 priation.”.

11 (b) DOCUMENTATION.—Section 9(d)(2) of the Rich-
12 ard B. Russell National School Lunch Act (42 U.S.C.
13 1758(d)(2)) (as amended by section 102(c)) is amended—

14 (1) in subparagraph (E), by striking “or” at
15 the end;

16 (2) in subparagraph (F)(ii), by striking the pe-
17 riod at the end and inserting “; or”; and

18 (3) by adding at the end the following:

19 “(G) documentation has been provided to
20 the appropriate local educational agency show-
21 ing the status of the child as an eligible child
22 (as defined in subsection (b)(15)(A)).”.

23 (c) AGREEMENT FOR DIRECT CERTIFICATION AND
24 COOPERATION BY STATE MEDICAID AGENCIES.—

1 (1) IN GENERAL.—Section 1902(a)(7) of the
2 Social Security Act (42 U.S.C. 1396a(a)(7)) is
3 amended to read as follows:

4 “(7) provide—

5 “(A) safeguards which restrict the use or
6 disclosure of information concerning applicants
7 and recipients to purposes directly connected
8 with—

9 “(i) the administration of the plan;

10 and

11 “(ii) the exchange of information nec-
12 essary to certify or verify the certification
13 of eligibility of children for free or reduced
14 price breakfasts under the Child Nutrition
15 Act of 1966 and free or reduced price
16 lunches under the Richard B. Russell Na-
17 tional School Lunch Act, in accordance
18 with section 9(b) of that Act, using data
19 standards and formats established by the
20 State agency; and

21 “(B) that, notwithstanding the Express
22 Lane option under subsection (e)(13), the State
23 may enter into an agreement with the State
24 agency administering the school lunch program
25 established under the Richard B. Russell Na-

1 tional School Lunch Act under which the State
2 shall establish procedures to ensure that—

3 “(i) a child receiving medical assist-
4 ance under the State plan under this title
5 whose family income does not exceed 133
6 percent of the poverty line (as defined in
7 section 673(2) of the Community Services
8 Block Grant Act, including any revision re-
9 quired by such section), as determined
10 without regard to any expense, block, or
11 other income disregard, applicable to a
12 family of the size involved, may be certified
13 as eligible for free lunches under the Rich-
14 ard B. Russell National School Lunch Act
15 and free breakfasts under the Child Nutri-
16 tion Act of 1966 without further applica-
17 tion; and

18 “(ii) the State agencies responsible for
19 administering the State plan under this
20 title, and for carrying out child nutrition
21 programs (as defined in section 25(b) of
22 the Richard B. Russell National School
23 Lunch Act) cooperate in carrying out para-
24 graphs (3)(F) and (15) of section 9(b) of
25 that Act;”.

1 (2) EFFECTIVE DATE.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), the amendments made by
4 this subsection shall take effect on the date of
5 enactment of this Act.

6 (B) EXTENSION OF EFFECTIVE DATE FOR
7 STATE LAW AMENDMENT.—In the case of a
8 State plan under title XIX of the Social Secu-
9 rity Act (42 U.S.C. 1396 et seq.) which the
10 Secretary of Health and Human Services deter-
11 mines requires State legislation in order for the
12 plan to meet the additional requirements im-
13 posed by the amendments made by this section,
14 the State plan shall not be regarded as failing
15 to comply with the requirements of the amend-
16 ments made by this section solely on the basis
17 of its failure to meet such additional require-
18 ments before the first day of the first calendar
19 quarter beginning after the close of the first
20 regular session of the State legislature that be-
21 gins after the date of the enactment of this Act.
22 For purposes of the previous sentence, in the
23 case of a State that has a 2-year legislative ses-
24 sion, each year of the session is considered to

1 be a separate regular session of the State legis-
2 lature.

3 (d) CONFORMING AMENDMENTS.—Section 444(b)(1)
4 of the General Education Provisions Act (20 U.S.C.
5 1232g(b)(1)) is amended—

6 (1) in subparagraph (I), by striking “and” at
7 the end;

8 (2) in subparagraph (J)(ii), by striking the pe-
9 riod at the end and inserting “; and”;

10 (3) by adding at the end the following:

11 “(K) the Secretary of Agriculture for the pur-
12 poses of conducting program monitoring, evalua-
13 tions, and performance measurements of State and
14 local educational and other agencies and institutions
15 receiving funding or providing benefits of 1 or more
16 programs authorized under the Richard B. Russell
17 National School Lunch Act (42 U.S.C. 1751 et seq.)
18 or the Child Nutrition Act of 1966 (42 U.S.C. 1771
19 et seq.) for which the results will be reported in an
20 aggregate form that does not identify any indi-
21 vidual.”.

22 **SEC. 104. ELIMINATING INDIVIDUAL APPLICATIONS**
23 **THROUGH COMMUNITY ELIGIBILITY.**

24 (a) UNIVERSAL MEAL SERVICE IN HIGH POVERTY
25 AREAS.—

1 (1) ELIGIBILITY.—Section 11(a)(1) of the
2 Richard B. Russell National School Lunch Act (42
3 U.S.C. 1759a(a)(1)) is amended by adding at the
4 end the following:

5 “(F) UNIVERSAL MEAL SERVICE IN HIGH
6 POVERTY AREAS.—

7 “(i) DEFINITION OF IDENTIFIED STU-
8 DENTS.—The term ‘identified students’
9 means students certified based on docu-
10 mentation of benefit receipt or categorical
11 eligibility as described in section
12 245.6a(c)(2) of title 7, Code of Federal
13 Regulations (or successor regulations).

14 “(ii) ELECTION OF SPECIAL ASSIST-
15 ANCE PAYMENTS.—

16 “(I) IN GENERAL.—A local edu-
17 cational agency may, for all schools in
18 the district or on behalf of certain
19 schools in the district, elect to receive
20 special assistance payments under this
21 subparagraph in lieu of special assist-
22 ance payments otherwise made avail-
23 able under this paragraph based on
24 applications for free and reduced price
25 lunches if—

1 “(aa) during a period of 4
2 successive school years, the local
3 educational agency elects to serve
4 all children in the applicable
5 schools free lunches and break-
6 fasts under the school lunch pro-
7 gram under this Act and the
8 school breakfast program estab-
9 lished under section 4 of the
10 Child Nutrition Act of 1966 (42
11 U.S.C. 1773);

12 “(bb) the local educational
13 agency pays, from sources other
14 than Federal funds, the costs of
15 serving the lunches or breakfasts
16 that are in excess of the value of
17 assistance received under this Act
18 and the Child Nutrition Act of
19 1966 (42 U.S.C. 1771 et seq.);

20 “(cc) the local educational
21 agency is not a residential child
22 care institution (as that term is
23 used in section 210.2 of title 7,
24 Code of Federal Regulations (or
25 successor regulations)); and

1 “(dd) during the school year
2 prior to the first year of the pe-
3 riod for which the local edu-
4 cational agency elects to receive
5 special assistance payments
6 under this subparagraph, the
7 local educational agency or school
8 had a percentage of enrolled stu-
9 dents who were identified stu-
10 dents that meets or exceeds the
11 threshold described in clause
12 (viii).

13 “(II) ELECTION TO STOP RE-
14 CEIVING PAYMENTS.—A local edu-
15 cational agency may, for all schools in
16 the district or on behalf of certain
17 schools in the district, elect to stop re-
18 ceiving special assistance payments
19 under this subparagraph for the fol-
20 lowing school year by notifying the
21 State agency not later than June 30
22 of the current school year of the in-
23 tention to stop receiving special assist-
24 ance payments under this subpara-
25 graph

1 “(iii) FIRST YEAR OF OPTION.—

2 “(I) SPECIAL ASSISTANCE PAY-
3 MENT.—For each month of the first
4 school year of the 4-year period dur-
5 ing which a school or local educational
6 agency elects to receive payments
7 under this subparagraph, special as-
8 sistance payments at the rate for free
9 meals shall be made under this sub-
10 paragraph for a percentage of all re-
11 imburseable meals served in an amount
12 equal to the product obtained by mul-
13 tipling—

14 “(aa) the multiplier de-
15 scribed in clause (vii); by

16 “(bb) the percentage of
17 identified students at the school
18 or local educational agency as of
19 April 1 of the prior school year,
20 up to a maximum of 100 percent.

21 “(II) PAYMENT FOR OTHER
22 MEALS.—The percentage of meals
23 served that is not described in sub-
24 clause (I) shall be reimbursed at the
25 rate provided under section 4.

1 “(iv) SECOND, THIRD, OR FOURTH
2 YEAR OF OPTION.—

3 “(I) SPECIAL ASSISTANCE PAY-
4 MENT.—For each month of the sec-
5 ond, third, or fourth school year of
6 the 4-year period during which a
7 school or local educational agency
8 elects to receive payments under this
9 subparagraph, special assistance pay-
10 ments at the rate for free meals shall
11 be made under this subparagraph for
12 a percentage of all reimbursable meals
13 served in an amount equal to the
14 product obtained by multiplying—

15 “(aa) the multiplier de-
16 scribed in clause (vii); by

17 “(bb) the higher of the per-
18 centage of identified students at
19 the school or local educational
20 agency as of April 1 of the prior
21 school year or the percentage of
22 identified students at the school
23 or local educational agency as of
24 April 1 of the school year prior to
25 the first year that the school or

1 local educational agency elected
2 to receive special assistance pay-
3 ments under this subparagraph,
4 up to a maximum of 100 percent.

5 “(II) PAYMENT FOR OTHER
6 MEALS.—The percentage of meals
7 served that is not described in sub-
8 clause (I) shall be reimbursed at the
9 rate provided under section 4.

10 “(v) GRACE YEAR.—

11 “(I) IN GENERAL.—If, not later
12 than April 1 of the fourth year of a
13 4-year period described in clause
14 (ii)(I), a school or local educational
15 agency has a percentage of enrolled
16 students who are identified students
17 that meets or exceeds a percentage
18 that is 10 percentage points lower
19 than the threshold described in clause
20 (viii), the school or local educational
21 agency may elect to receive special as-
22 sistance payments under subclause
23 (II) for an additional grace year.

24 “(II) SPECIAL ASSISTANCE PAY-
25 MENT.—For each month of a grace

1 year, special assistance payments at
2 the rate for free meals shall be made
3 under this subparagraph for a per-
4 centage of all reimbursable meals
5 served in an amount equal to the
6 product obtained by multiplying—

7 “(aa) the multiplier de-
8 scribed in clause (vii); by

9 “(bb) the percentage of
10 identified students at the school
11 or local educational agency as of
12 April 1 of the prior school year,
13 up to a maximum of 100 percent.

14 “(III) PAYMENT FOR OTHER
15 MEALS.—The percentage of meals
16 served that is not described in sub-
17 clause (II) shall be reimbursed at the
18 rate provided under section 4.

19 “(vi) APPLICATIONS.—A school or
20 local educational agency that receives spe-
21 cial assistance payments under this sub-
22 paragraph may not be required to collect
23 applications for free and reduced price
24 lunches.

25 “(vii) MULTIPLIER.—

1 “(I) PHASE-IN.—For each school
2 year beginning on or before July 1,
3 2013, the multiplier shall be 1.6.

4 “(II) FULL IMPLEMENTATION.—
5 For each school year beginning on or
6 after July 1, 2014, the Secretary may
7 use, as determined by the Secretary—

8 “(aa) a multiplier between
9 1.3 and 1.6; and

10 “(bb) subject to item (aa), a
11 different multiplier for different
12 schools or local educational agen-
13 cies.

14 “(viii) THRESHOLD.—

15 “(I) PHASE-IN.—For each school
16 year beginning on or before July 1,
17 2013, the threshold shall be 40 per-
18 cent.

19 “(II) FULL IMPLEMENTATION.—
20 For each school year beginning on or
21 after July 1, 2014, the Secretary may
22 use a threshold that is less than 40
23 percent.

24 “(ix) PHASE-IN.—

1 “(I) IN GENERAL.—In selecting
2 States for participation during the
3 phase-in period, the Secretary shall
4 select States with an adequate num-
5 ber and variety of schools and local
6 educational agencies that could ben-
7 efit from the option under this sub-
8 paragraph, as determined by the Sec-
9 retary.

10 “(II) LIMITATION.—The Sec-
11 retary may not approve additional
12 schools and local educational agencies
13 to receive special assistance payments
14 under this subparagraph after the
15 Secretary has approved schools and
16 local educational agencies in—

17 “(aa) for the school year be-
18 ginning on July 1, 2011, 3
19 States; and

20 “(bb) for each of the school
21 years beginning July 1, 2012 and
22 July 1, 2013, an additional 4
23 States per school year.

24 “(x) ELECTION OF OPTION.—

1 “(I) IN GENERAL.—For each
2 school year beginning on or after July
3 1, 2014, any local educational agency
4 eligible to make the election described
5 in clause (ii) for all schools in the dis-
6 trict or on behalf of certain schools in
7 the district may elect to receive spe-
8 cial assistance payments under clause
9 (iii) for the next school year if, not
10 later than June 30 of the current
11 school year, the local educational
12 agency submits to the State agency
13 the percentage of identified students
14 at the school or local educational
15 agency.

16 “(II) STATE AGENCY NOTIFICA-
17 TION.—Not later than May 1 of each
18 school year beginning on or after July
19 1, 2011, each State agency with
20 schools or local educational agencies
21 that may be eligible to elect to receive
22 special assistance payments under this
23 subparagraph shall notify—

24 “(aa) each local educational
25 agency that meets or exceeds the

1 threshold described in clause
2 (viii) that the local educational
3 agency is eligible to elect to re-
4 ceive special assistance payments
5 under clause (iii) for the next 4
6 school years, of the blended reim-
7 bursement rate the local edu-
8 cational agency would receive
9 under clause (iii), and of the pro-
10 cedures for the local educational
11 agency to make the election;

12 “(bb) each local educational
13 agency that receives special as-
14 sistance payments under clause
15 (iii) of the blended reimburse-
16 ment rate the local educational
17 agency would receive under
18 clause (iv);

19 “(cc) each local educational
20 agency in the fourth year of
21 electing to receive special assist-
22 ance payments under this sub-
23 paragraph that meets or exceeds
24 a percentage that is 10 percent-
25 age points lower than the thresh-

1 old described in clause (viii) and
2 that receives special assistance
3 payments under clause (iv), that
4 the local educational agency may
5 continue to receive such pay-
6 ments for the next school year, of
7 the blended reimbursement rate
8 the local educational agency
9 would receive under clause (v),
10 and of the procedures for the
11 local educational agency to make
12 the election; and

13 “(dd) each local educational
14 agency that meets or exceeds a
15 percentage that is 10 percentage
16 points lower than the threshold
17 described in clause (viii) that the
18 local educational agency may be
19 eligible to elect to receive special
20 assistance payments under clause
21 (iii) if the threshold described in
22 clause (viii) is met by April 1 of
23 the school year or if the thresh-
24 old is met for a subsequent
25 school year.

1 “(III) PUBLIC NOTIFICATION OF
2 LOCAL EDUCATIONAL AGENCIES.—
3 Not later than May 1 of each school
4 year beginning on or after July 1,
5 2011, each State agency with 1 or
6 more schools or local educational
7 agencies eligible to elect to receive
8 special assistance payments under
9 clause (iii) shall submit to the Sec-
10 retary, and the Secretary shall pub-
11 lish, lists of the local educational
12 agencies receiving notices under sub-
13 clause (II).

14 “(IV) PUBLIC NOTIFICATION OF
15 SCHOOLS.—Not later than May 1 of
16 each school year beginning on or after
17 July 1, 2011, each local educational
18 agency in a State with 1 or more
19 schools eligible to elect to receive spe-
20 cial assistance payments under clause
21 (iii) shall submit to the State agency,
22 and the State agency shall publish—

23 “(aa) a list of the schools
24 that meet or exceed the threshold
25 described in clause (viii);

1 “(bb) a list of the schools
2 that meet or exceed a percentage
3 that is 10 percentage points
4 lower than the threshold de-
5 scribed in clause (viii) and that
6 are in the fourth year of receiv-
7 ing special assistance payments
8 under clause (iv); and

9 “(cc) a list of the schools
10 that meet or exceed a percentage
11 that is 10 percentage points
12 lower than the threshold de-
13 scribed in clause (viii).

14 “(xi) IMPLEMENTATION.—

15 “(I) GUIDANCE.—Not later than
16 90 days after the date of enactment of
17 this subparagraph, the Secretary shall
18 issue guidance to implement this sub-
19 paragraph.

20 “(II) REGULATIONS.—Not later
21 than December 31, 2013, the Sec-
22 retary shall promulgate regulations
23 that establish procedures for State
24 agencies, local educational agencies,
25 and schools to meet the requirements

1 of this subparagraph, including exer-
2 cising the option described in this sub-
3 paragraph.

4 “(III) PUBLICATION.—If the
5 Secretary uses the authority provided
6 in clause (vii)(II)(bb) to use a dif-
7 ferent multiplier for different schools
8 or local educational agencies, for each
9 school year beginning on or after July
10 1, 2014, not later than April 1, 2014,
11 the Secretary shall publish on the
12 website of the Secretary a table that
13 indicates—

14 “(aa) each local educational
15 agency that may elect to receive
16 special assistance payments
17 under clause (ii);

18 “(bb) the blended reimburse-
19 ment rate that each local edu-
20 cational agency would receive;
21 and

22 “(cc) an explanation of the
23 methodology used to calculate the
24 multiplier or threshold for each

1 school or local educational agen-
2 cy.

3 “(xii) REPORT.—Not later than De-
4 cember 31, 2013, the Secretary shall pub-
5 lish a report that describes—

6 “(I) an estimate of the number
7 of schools and local educational agen-
8 cies eligible to elect to receive special
9 assistance payments under this sub-
10 paragraph that do not elect to receive
11 the payments;

12 “(II) for schools and local edu-
13 cational agencies described in sub-
14 clause (I)—

15 “(aa) barriers to participa-
16 tion in the special assistance op-
17 tion under this subparagraph, as
18 described by the nonparticipating
19 schools and local educational
20 agencies; and

21 “(bb) changes to the special
22 assistance option under this sub-
23 paragraph that would make eligi-
24 ble schools and local educational
25 agencies more likely to elect to

1 receive special assistance pay-
2 ments;

3 “(III) for schools and local edu-
4 cational agencies that elect to receive
5 special assistance payments under this
6 subparagraph—

7 “(aa) the number of schools
8 and local educational agencies;

9 “(bb) an estimate of the per-
10 centage of identified students and
11 the percentage of enrolled stu-
12 dents who were certified to re-
13 ceive free or reduced price meals
14 in the school year prior to the
15 election to receive special assist-
16 ance payments under this sub-
17 paragraph, and a description of
18 how the ratio between those per-
19 centages compares to 1.6;

20 “(cc) an estimate of the
21 number and share of schools and
22 local educational agencies in
23 which more than 80 percent of
24 students are certified for free or
25 reduced price meals that elect to

1 receive special assistance pay-
2 ments under that clause; and
3 “(dd) whether any of the
4 schools or local educational agen-
5 cies stopped electing to receive
6 special assistance payments
7 under this subparagraph;
8 “(IV) the impact of electing to
9 receive special assistance payments
10 under this subparagraph on—
11 “(aa) program integrity;
12 “(bb) whether a breakfast
13 program is offered;
14 “(cc) the type of breakfast
15 program offered;
16 “(dd) the nutritional quality
17 of school meals; and
18 “(ee) program participation;
19 and
20 “(V) the multiplier and thresh-
21 old, as described in clauses (vii) and
22 (viii) respectively, that the Secretary
23 will use for each school year beginning
24 on or after July 1, 2014 and the ra-

1 tionale for any change in the multi-
2 plier or threshold.

3 “(xiii) FUNDING.—

4 “(I) IN GENERAL.—On October
5 1, 2010, out of any funds in the
6 Treasury not otherwise appropriated,
7 the Secretary of the Treasury shall
8 transfer to the Secretary to carry out
9 clause (xii) \$5,000,000, to remain
10 available until September 30, 2014.

11 “(II) RECEIPT AND ACCEPT-
12 ANCE.—The Secretary shall be enti-
13 tled to receive, shall accept, and shall
14 use to carry out clause (xii) the funds
15 transferred under subclause (I), with-
16 out further appropriation.”.

17 (2) CONFORMING AMENDMENTS.—Section
18 11(a)(1)(B) of the Richard B. Russell National
19 School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is
20 amended by striking “or (E)” and inserting “(E), or
21 (F)”.

22 (b) UNIVERSAL MEAL SERVICE THROUGH CENSUS
23 DATA.—Section 11 of the Richard B. Russell National
24 School Lunch Act (42 U.S.C. 1759a) is amended by add-
25 ing at the end the following:

1 “(g) UNIVERSAL MEAL SERVICE THROUGH CENSUS
2 DATA.—

3 “(1) IN GENERAL.—To the maximum extent
4 practicable, the Secretary shall identify alternatives
5 to—

6 “(A) the daily counting by category of
7 meals provided by school lunch programs under
8 this Act and the school breakfast program es-
9 tablished by section 4 of the Child Nutrition
10 Act of 1966 (42 U.S.C. 1773); and

11 “(B) the use of annual applications as the
12 basis for eligibility to receive free meals or re-
13 duced price meals under this Act.

14 “(2) RECOMMENDATIONS.—

15 “(A) IN GENERAL.—In identifying alter-
16 natives under paragraph (1), the Secretary
17 shall consider the recommendations of the Com-
18 mittee on National Statistics of the National
19 Academy of Sciences relating to use of the
20 American Community Survey of the Bureau of
21 the Census and other data sources.

22 “(B) USE OF RECOMMENDATION.—Rec-
23 ommendations described in subparagraph (A)
24 that provide accurate and effective means of

1 providing meal reimbursement consistent with
2 the eligibility status of students may be—

3 “(i) implemented for use in schools or
4 by school food authorities that agree—

5 “(I) to serve all breakfasts and
6 lunches to students at no cost in ac-
7 cordance with regulations issued by
8 the Secretary; and

9 “(II) to pay, from sources other
10 than Federal funds, the costs of serv-
11 ing any lunches and breakfasts that
12 are in excess of the value of assistance
13 received under this Act or the Child
14 Nutrition Act of 1966 (42 U.S.C.
15 1771 et seq.) with respect to the num-
16 ber of lunches and breakfasts served
17 during the applicable period; or

18 “(ii) further tested through dem-
19 onstration projects carried out by the Sec-
20 retary in accordance with subparagraph
21 (C).

22 “(C) DEMONSTRATION PROJECTS.—

23 “(i) IN GENERAL.—For the purpose
24 of carrying out demonstration projects de-
25 scribed in subparagraph (B), the Secretary

1 may waive any requirement of this Act re-
2 lating to—

3 “(I) counting of meals provided
4 by school lunch or breakfast pro-
5 grams;

6 “(II) applications for eligibility
7 for free or reduced priced meals; or

8 “(III) required direct certifi-
9 cation under section 9(b)(4).

10 “(ii) NUMBER OF PROJECTS.—The
11 Secretary shall carry out demonstration
12 projects under this paragraph in not more
13 than 5 local educational agencies for each
14 alternative model that is being tested.

15 “(iii) LIMITATION.—A demonstration
16 project carried out under this paragraph
17 shall have a duration of not more than 3
18 years.

19 “(iv) EVALUATION.—The Secretary
20 shall evaluate each demonstration project
21 carried out under this paragraph in ac-
22 cordance with procedures established by
23 the Secretary.

24 “(v) REQUIREMENT.—In carrying out
25 evaluations under clause (iv), the Secretary

1 shall evaluate, using comparisons with
2 local educational agencies with similar de-
3 mographic characteristics—

4 “(I) the accuracy of the 1 or
5 more methodologies adopted as com-
6 pared to the daily counting by cat-
7 egory of meals provided by school
8 meal programs under this Act or the
9 Child Nutrition Act of 1966 (42
10 U.S.C. 1771 et seq.) and the use of
11 annual applications as the basis for
12 eligibility to receive free or reduced
13 price meals under those Acts;

14 “(II) the effect of the 1 or more
15 methodologies adopted on participa-
16 tion in programs under those Acts;

17 “(III) the effect of the 1 or more
18 methodologies adopted on administra-
19 tion of programs under those Acts;
20 and

21 “(IV) such other matters as the
22 Secretary determines to be appro-
23 priate.”.

1 **Subtitle B—Summer Food Service**
2 **Program**

3 **SEC. 111. ALIGNMENT OF ELIGIBILITY RULES FOR PUBLIC**
4 **AND PRIVATE SPONSORS.**

5 Section 13(a) of the Richard B. Russell National
6 School Lunch Act (42 U.S.C. 1761(a)) is amended by
7 striking paragraph (7) and inserting the following:

8 “(7) PRIVATE NONPROFIT ORGANIZATIONS.—

9 “(A) DEFINITION OF PRIVATE NONPROFIT
10 ORGANIZATION.—In this paragraph, the term
11 ‘private nonprofit organization’ means an orga-
12 nization that—

13 “(i) exercises full control and author-
14 ity over the operation of the program at all
15 sites under the sponsorship of the organi-
16 zation;

17 “(ii) provides ongoing year-round ac-
18 tivities for children or families;

19 “(iii) demonstrates that the organiza-
20 tion has adequate management and the fis-
21 cal capacity to operate a program under
22 this section;

23 “(iv) is an organization described in
24 section 501(c) of the Internal Revenue

1 Code of 1986 and exempt from taxation
2 under 501(a) of that Code; and

3 “(v) meets applicable State and local
4 health, safety, and sanitation standards.

5 “(B) ELIGIBILITY.—Private nonprofit or-
6 ganizations (other than organizations eligible
7 under paragraph (1)) shall be eligible for the
8 program under the same terms and conditions
9 as other service institutions.”.

10 **SEC. 112. OUTREACH TO ELIGIBLE FAMILIES.**

11 Section 13(a) of the Richard B. Russell National
12 School Lunch Act (42 U.S.C. 1761(a)) is amended by add-
13 ing at the end the following:

14 “(11) OUTREACH TO ELIGIBLE FAMILIES.—

15 “(A) IN GENERAL.—The Secretary shall
16 require each State agency that administers the
17 national school lunch program under this Act to
18 ensure that, to the maximum extent practicable,
19 school food authorities participating in the
20 school lunch program under this Act cooperate
21 with participating service institutions to dis-
22 tribute materials to inform families of—

23 “(i) the availability and location of
24 summer food service program meals; and

1 “(ii) the availability of reimbursable
2 breakfasts served under the school break-
3 fast program established by section 4 of
4 the Child Nutrition Act of 1966 (42
5 U.S.C. 1773).

6 “(B) INCLUSIONS.—Informational activi-
7 ties carried out under subparagraph (A) may
8 include—

9 “(i) the development or dissemination
10 of printed materials, to be distributed to
11 all school children or the families of school
12 children prior to the end of the school
13 year, that inform families of the avail-
14 ability and location of summer food service
15 program meals;

16 “(ii) the development or dissemination
17 of materials, to be distributed using elec-
18 tronic means to all school children or the
19 families of school children prior to the end
20 of the school year, that inform families of
21 the availability and location of summer
22 food service program meals; and

23 “(iii) such other activities as are ap-
24 proved by the applicable State agency to
25 promote the availability and location of

1 summer food service program meals to
 2 school children and the families of school
 3 children.

4 “(C) MULTIPLE STATE AGENCIES.—If the
 5 State agency administering the program under
 6 this section is not the same State agency that
 7 administers the school lunch program under
 8 this Act, the 2 State agencies shall work coop-
 9 eratively to implement this paragraph.”.

10 **SEC. 113. SUMMER FOOD SERVICE SUPPORT GRANTS.**

11 Section 13(a) of the Richard B. Russell National
 12 School Lunch Act (42 U.S.C. 1761(a)) (as amended by
 13 section 112) is amended by adding at the end the fol-
 14 lowing:

15 “(12) SUMMER FOOD SERVICE SUPPORT
 16 GRANTS.—

17 “(A) IN GENERAL.—The Secretary shall
 18 use funds made available to carry out this para-
 19 graph to award grants on a competitive basis to
 20 State agencies to provide to eligible service in-
 21 stitutions—

22 “(i) technical assistance;

23 “(ii) assistance with site improvement
 24 costs; or

1 “(iii) other innovative activities that
2 improve and encourage sponsor retention.

3 “(B) ELIGIBILITY.—To be eligible to re-
4 ceive a grant under this paragraph, a State
5 agency shall submit an application to the Sec-
6 retary in such manner, at such time, and con-
7 taining such information as the Secretary may
8 require.

9 “(C) PRIORITY.—In making grants under
10 this paragraph, the Secretary shall give priority
11 to—

12 “(i) applications from States with sig-
13 nificant low-income child populations; and

14 “(ii) State plans that demonstrate in-
15 novative approaches to retain and support
16 summer food service programs after the
17 expiration of the start-up funding grants.

18 “(D) USE OF FUNDS.—A State and eligi-
19 ble service institution may use funds made
20 available under this paragraph to pay for such
21 costs as the Secretary determines are necessary
22 to establish and maintain summer food service
23 programs.

24 “(E) REALLOCATION.—The Secretary may
25 reallocate any amounts made available to carry

1 out this paragraph that are not obligated or ex-
 2 pended, as determined by the Secretary.

3 “(F) AUTHORIZATION OF APPROPRIA-
 4 TIONS.—There is authorized to be appropriated
 5 to carry out this paragraph \$20,000,000 for the
 6 period of fiscal years 2011 through 2015.”.

7 **Subtitle C—Child and Adult Care** 8 **Food Program**

9 **SEC. 121. SIMPLIFYING AREA ELIGIBILITY DETERMINA-** 10 **TIONS IN THE CHILD AND ADULT CARE FOOD** 11 **PROGRAM.**

12 Section 17(f)(3)(A)(ii)(I)(bb) of the Richard B. Rus-
 13 sell National School Lunch Act (42 U.S.C.
 14 1766(f)(3)(A)(ii)(I)(bb)) is amended by striking “elemen-
 15 tary”.

16 **SEC. 122. EXPANSION OF AFTERSCHOOL MEALS FOR AT-** 17 **RISK CHILDREN.**

18 Section 17(r) of the Richard B. Russell National
 19 School Lunch Act (42 U.S.C. 1766(r)) is amended by
 20 striking paragraph (5) and inserting the following:

21 “(5) LIMITATION.—An institution participating
 22 in the program under this subsection may not claim
 23 reimbursement for meals and snacks that are served
 24 under section 18(h) on the same day.

25 “(6) HANDBOOK.—

1 “(A) IN GENERAL.—Not later than 180
2 days after the date of enactment of the
3 Healthy, Hunger-Free Kids Act of 2010, the
4 Secretary shall—

5 “(i) issue guidelines for afterschool
6 meals for at-risk school children; and

7 “(ii) publish a handbook reflecting
8 those guidelines.

9 “(B) REVIEW.—Each year after the
10 issuance of guidelines under subparagraph (A),
11 the Secretary shall—

12 “(i) review the guidelines; and

13 “(ii) issue a revised handbook reflect-
14 ing changes made to the guidelines.”.

15 **Subtitle D—Special Supplemental**
16 **Nutrition Program for Women,**
17 **Infants, and Children**

18 **SEC. 131. CERTIFICATION PERIODS.**

19 Section 17(d)(3)(A) of the Child Nutrition Act of
20 1966 (42 U.S.C. 1786(d)(3)(A)) is amended by adding at
21 the end the following:

22 “(iii) CHILDREN.—A State may elect
23 to certify participant children for a period
24 of up to 1 year, if the State electing the
25 option provided under this clause ensures

1 that participant children receive required
2 health and nutrition assessments.”.

3 **Subtitle E—Miscellaneous**

4 **SEC. 141. CHILDHOOD HUNGER RESEARCH.**

5 The Richard B. Russell National School Lunch Act
6 is amended by inserting after section 22 (42 U.S.C.
7 1769c) the following:

8 **“SEC. 23. CHILDHOOD HUNGER RESEARCH.**

9 “(a) RESEARCH ON CAUSES AND CONSEQUENCES OF
10 CHILDHOOD HUNGER.—

11 “(1) IN GENERAL.—The Secretary shall con-
12 duct research on—

13 “(A) the causes of childhood hunger and
14 food insecurity;

15 “(B) the characteristics of households with
16 childhood hunger and food insecurity; and

17 “(C) the consequences of childhood hunger
18 and food insecurity.

19 “(2) AUTHORITY.—In carrying out research
20 under paragraph (1), the Secretary may—

21 “(A) enter into competitively awarded con-
22 tracts or cooperative agreements; or

23 “(B) provide grants to States or public or
24 private agencies or organizations, as determined
25 by the Secretary.

1 “(3) APPLICATION.—To be eligible to enter into
2 a contract or cooperative agreement or receive a
3 grant under this subsection, a State or public or pri-
4 vate agency or organization shall submit to the Sec-
5 retary an application at such time, in such manner,
6 and containing such information as the Secretary
7 shall require.

8 “(4) AREAS OF INQUIRY.—The Secretary shall
9 design the research program to advance knowledge
10 and understanding of information on the issues de-
11 scribed in paragraph (1), such as—

12 “(A) economic, health, social, cultural, de-
13 mographic, and other factors that contribute to
14 childhood hunger or food insecurity;

15 “(B) the geographic distribution of child-
16 hood hunger and food insecurity;

17 “(C) the extent to which—

18 “(i) existing Federal assistance pro-
19 grams, including the Internal Revenue
20 Code of 1986, reduce childhood hunger
21 and food insecurity; and

22 “(ii) childhood hunger and food inse-
23 curity persist due to—

24 “(I) gaps in program coverage;

1 “(II) the inability of potential
2 participants to access programs; or

3 “(III) the insufficiency of pro-
4 gram benefits or services;

5 “(D) the public health and medical costs of
6 childhood hunger and food insecurity;

7 “(E) an estimate of the degree to which
8 the Census Bureau measure of food insecurity
9 underestimates childhood hunger and food inse-
10 curity because the Census Bureau excludes cer-
11 tain households, such as homeless, or other fac-
12 tors;

13 “(F) the effects of childhood hunger on
14 child development, well-being, and educational
15 attainment; and

16 “(G) such other critical outcomes as are
17 determined by the Secretary.

18 “(5) FUNDING.—

19 “(A) IN GENERAL.—On October 1, 2012,
20 out of any funds in the Treasury not otherwise
21 appropriated, the Secretary of the Treasury
22 shall transfer to the Secretary to carry out this
23 subsection \$10,000,000, to remain available
24 until expended.

1 “(B) RECEIPT AND ACCEPTANCE.—The
2 Secretary shall be entitled to receive, shall ac-
3 cept, and shall use to carry out this subsection
4 the funds transferred under subparagraph (A),
5 without further appropriation.

6 “(b) DEMONSTRATION PROJECTS TO END CHILD-
7 HOOD HUNGER.—

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

9 “(A) CHILD.—The term ‘child’ means a
10 person under the age of 18.

11 “(B) SUPPLEMENTAL NUTRITION ASSIST-
12 ANCE PROGRAM.—The term ‘supplemental nu-
13 trition assistance program’ means the supple-
14 mental nutrition assistance program established
15 under the Food and Nutrition Act of 2008 (7
16 U.S.C. 2011 et seq.).

17 “(2) PURPOSE.—Under such terms and condi-
18 tions as are established by the Secretary, the Sec-
19 retary shall carry out demonstration projects that
20 test innovative strategies to end childhood hunger,
21 including alternative models for service delivery and
22 benefit levels that promote the reduction or elimi-
23 nation of childhood hunger and food insecurity.

1 “(3) PROJECTS.—Demonstration projects car-
2 ried out under this subsection may include projects
3 that—

4 “(A) enhance benefits provided under the
5 supplemental nutrition assistance program for
6 eligible households with children;

7 “(B) enhance benefits or provide for inno-
8 vative program delivery models in the school
9 meals, afterschool snack, and child and adult
10 care food programs under this Act and the
11 Child Nutrition Act of 1966 (42 U.S.C. 1771 et
12 seq.); and

13 “(C) target Federal, State, or local assist-
14 ance, including emergency housing or family
15 preservation services, at households with chil-
16 dren who are experiencing hunger or food inse-
17 curity, to the extent permitted by the legal au-
18 thority establishing those assistance programs
19 and services.

20 “(4) GRANTS.—

21 “(A) DEMONSTRATION PROJECTS.—

22 “(i) IN GENERAL.—In carrying out
23 this subsection, the Secretary may enter
24 into competitively awarded contracts or co-
25 operative agreements with, or provide

1 grants to, public or private organizations
2 or agencies (as determined by the Sec-
3 retary), for use in accordance with dem-
4 onstration projects that meet the purposes
5 of this subsection.

6 “(ii) REQUIREMENT.—At least 1 dem-
7 onstration project funded under this sub-
8 section shall be carried out on an Indian
9 reservation in a rural area with a service
10 population with a prevalence of diabetes
11 that exceeds 15 percent, as determined by
12 the Director of the Indian Health Service.

13 “(B) APPLICATION.—To be eligible to re-
14 ceive a contract, cooperative agreement, or
15 grant under this subsection, an organization or
16 agency shall submit to the Secretary an applica-
17 tion at such time, in such manner, and con-
18 taining such information as the Secretary may
19 require.

20 “(C) SELECTION CRITERIA.—Demonstra-
21 tion projects shall be selected based on publicly
22 disseminated criteria that may include—

23 “(i) an identification of a low-income
24 target group that reflects individuals expe-
25 riencing hunger or food insecurity;

1 “(ii) a commitment to a demonstra-
2 tion project that allows for a rigorous out-
3 come evaluation as described in paragraph
4 (6);

5 “(iii) a focus on innovative strategies
6 to reduce the risk of childhood hunger or
7 provide a significant improvement to the
8 food security status of households with
9 children; and

10 “(iv) such other criteria as are deter-
11 mined by the Secretary.

12 “(5) CONSULTATION.—In determining the
13 range of projects and defining selection criteria
14 under this subsection, the Secretary shall consult
15 with—

16 “(A) the Secretary of Health and Human
17 Services;

18 “(B) the Secretary of Labor; and

19 “(C) the Secretary of Housing and Urban
20 Development.

21 “(6) EVALUATION AND REPORTING.—

22 “(A) INDEPENDENT EVALUATION.—The
23 Secretary shall provide for an independent eval-
24 uation of each demonstration project carried
25 out under this subsection that—

1 “(i) measures the impact of each dem-
2 onstration project on appropriate participa-
3 tion, food security, nutrition, and associ-
4 ated behavioral outcomes among partici-
5 pating households; and

6 “(ii) uses rigorous experimental de-
7 signs and methodologies, particularly ran-
8 dom assignment or other methods that are
9 capable of producing scientifically valid in-
10 formation regarding which activities are ef-
11 fective in reducing the prevalence or pre-
12 venting the incidence of food insecurity
13 and hunger in the community, especially
14 among children.

15 “(B) REPORTING.—Not later than Decem-
16 ber 31, 2013 and each December 31 thereafter
17 until the date on which the last evaluation
18 under subparagraph (A) is completed, the Sec-
19 retary shall—

20 “(i) submit to the Committee on Agri-
21 culture and the Committee on Education
22 and Labor of the House of Representatives
23 and the Committee on Agriculture, Nutri-
24 tion, and Forestry of the Senate a report
25 that includes a description of—

1 “(I) the status of each dem-
2 onstration project; and

3 “(II) the results of any evalua-
4 tions of the demonstration projects
5 completed during the previous fiscal
6 year; and

7 “(ii) ensure that the evaluation results
8 are shared broadly to inform policy mak-
9 ers, service providers, other partners, and
10 the public in order to promote the wide use
11 of successful strategies.

12 “(7) FUNDING.—

13 “(A) IN GENERAL.—On October 1, 2012,
14 out of any funds in the Treasury not otherwise
15 appropriated, the Secretary of the Treasury
16 shall transfer to the Secretary to carry out this
17 subsection \$40,000,000, to remain available
18 until September 30, 2017.

19 “(B) RECEIPT AND ACCEPTANCE.—The
20 Secretary shall be entitled to receive, shall ac-
21 cept, and shall use to carry out this subsection
22 the funds transferred under subparagraph (A),
23 without further appropriation.

24 “(C) USE OF FUNDS.—

1 “(i) IN GENERAL.—Funds made avail-
2 able under subparagraph (A) may be used
3 to carry out this subsection, including to
4 pay Federal costs associated with devel-
5 oping, soliciting, awarding, monitoring,
6 evaluating, and disseminating the results
7 of each demonstration project under this
8 subsection.

9 “(ii) INDIAN RESERVATIONS.—Of
10 amounts made available under subpara-
11 graph (A), the Secretary shall use a por-
12 tion of the amounts to carry out research
13 relating to hunger, obesity and type 2 dia-
14 betes on Indian reservations, including re-
15 search to determine the manner in which
16 Federal nutrition programs can help to
17 overcome those problems.

18 “(iii) REPORT.—Not later than 1 year
19 after the date of enactment of this section,
20 the Secretary shall submit to the Com-
21 mittee on Agriculture of the House of Rep-
22 resentatives and the Committee on Agri-
23 culture, Nutrition, and Forestry of the
24 Senate a report that—

1 “(I) describes the manner in
2 which Federal nutrition programs can
3 help to overcome child hunger nutri-
4 tion problems on Indian reservations;
5 and

6 “(II) contains proposed adminis-
7 trative and legislative recommenda-
8 tions to strengthen and streamline all
9 relevant Department of Agriculture
10 nutrition programs to reduce child-
11 hood hunger, obesity, and type 2 dia-
12 betes on Indian reservations.

13 “(D) LIMITATIONS.—

14 “(i) DURATION.—No project may be
15 funded under this subsection for more than
16 5 years.

17 “(ii) PROJECT REQUIREMENTS.—No
18 project that makes use of, alters, or coordi-
19 nates with the supplemental nutrition as-
20 sistance program may be funded under
21 this subsection unless the project is fully
22 consistent with the project requirements
23 described in section 17(b)(1)(B) of the
24 Food and Nutrition Act of 2008 (7 U.S.C.
25 2026(b)(1)(B)).

1 “(iii) HUNGER-FREE COMMUNITIES.—
 2 No project may be funded under this sub-
 3 section that receives funding under section
 4 4405 of the Food, Conservation, and En-
 5 ergy Act of 2008 (7 U.S.C. 7517).

6 “(iv) OTHER BENEFITS.—Funds
 7 made available under this subsection may
 8 not be used for any project in a manner
 9 that is inconsistent with—

10 “(I) this Act;

11 “(II) the Child Nutrition Act of
 12 1966 (42 U.S.C. 1771 et seq.);

13 “(III) the Food and Nutrition
 14 Act of 2008 (7 U.S.C. 2011 et seq.);

15 or

16 “(IV) the Emergency Food As-
 17 sistance Act of 1983 (7 U.S.C. 7501
 18 et seq.).”.

19 **SEC. 142. STATE CHILDHOOD HUNGER CHALLENGE**
 20 **GRANTS.**

21 The Richard B. Russell National School Lunch Act
 22 (42 U.S.C. 1751 et seq.) is amended by inserting after
 23 section 23 (as added by section 141) the following:

1 **“SEC. 24. STATE CHILDHOOD HUNGER CHALLENGE**
2 **GRANTS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) CHILD.—The term ‘child’ means a person
5 under the age of 18.

6 “(2) SUPPLEMENTAL NUTRITION ASSISTANCE
7 PROGRAM.—The term ‘supplemental nutrition assist-
8 ance program’ means the supplemental nutrition as-
9 sistance program established under the Food and
10 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

11 “(b) PURPOSE.—Under such terms and conditions as
12 are established by the Secretary, funds made available
13 under this section may be used to competitively award
14 grants to or enter into cooperative agreements with Gov-
15 ernors to carry out comprehensive and innovative strate-
16 gies to end childhood hunger, including alternative models
17 for service delivery and benefit levels that promote the re-
18 duction or elimination of childhood hunger by 2015.

19 “(c) PROJECTS.—State demonstration projects car-
20 ried out under this section may include projects that—

21 “(1) enhance benefits provided under the sup-
22 plemental nutrition assistance program for eligible
23 households with children;

24 “(2) enhance benefits or provide for innovative
25 program delivery models in the school meals, after-
26 school snack, and child and adult care food pro-

1 grams under this Act and the Child Nutrition Act
2 of 1966 (42 U.S.C. 1771 et seq.);

3 “(3) target Federal, State, or local assistance,
4 including emergency housing, family preservation
5 services, child care, or temporary assistance at
6 households with children who are experiencing hun-
7 ger or food insecurity, to the extent permitted by the
8 legal authority establishing those assistance pro-
9 grams and services;

10 “(4) enhance outreach to increase access and
11 participation in Federal nutrition assistance pro-
12 grams; and

13 “(5) improve the coordination of Federal, State,
14 and community resources and services aimed at pre-
15 venting food insecurity and hunger, including
16 through the establishment and expansion of State
17 food policy councils.

18 “(d) GRANTS.—

19 “(1) IN GENERAL.—In carrying out this sec-
20 tion, the Secretary may competitively award grants
21 or enter into competitively awarded cooperative
22 agreements with Governors for use in accordance
23 with demonstration projects that meet the purposes
24 of this section.

1 “(2) APPLICATION.—To be eligible to receive a
2 grant or cooperative agreement under this section, a
3 Governor shall submit to the Secretary an applica-
4 tion at such time, in such manner, and containing
5 such information as the Secretary may require.

6 “(3) SELECTION CRITERIA.—The Secretary
7 shall evaluate proposals based on publicly dissemi-
8 nated criteria that may include—

9 “(A) an identification of a low-income tar-
10 get group that reflects individuals experiencing
11 hunger or food insecurity;

12 “(B) a commitment to approaches that
13 allow for a rigorous outcome evaluation as de-
14 scribed in subsection (f);

15 “(C) a comprehensive and innovative strat-
16 egy to reduce the risk of childhood hunger or
17 provide a significant improvement to the food
18 security status of households with children; and

19 “(D) such other criteria as are determined
20 by the Secretary.

21 “(4) REQUIREMENTS.—Any project funded
22 under this section shall provide for—

23 “(A) a baseline assessment, and subse-
24 quent annual assessments, of the prevalence
25 and severity of very low food security among

1 children in the State, based on a methodology
2 prescribed by the Secretary;

3 “(B) a collaborative planning process in-
4 cluding key stakeholders in the State that re-
5 sults in a comprehensive agenda to eliminate
6 childhood hunger that is—

7 “(i) described in a detailed project
8 plan; and

9 “(ii) provided to the Secretary for ap-
10 proval;

11 “(C) an annual budget;

12 “(D) specific performance goals, including
13 the goal to sharply reduce or eliminate food in-
14 security among children in the State by 2015,
15 as determined through a methodology pre-
16 scribed by the Secretary and carried out by the
17 Governor; and

18 “(E) an independent outcome evaluation of
19 not less than 1 major strategy of the project
20 that measures—

21 “(i) the specific impact of the strategy
22 on food insecurity among children in the
23 State; and

1 “(ii) if applicable, the nutrition assist-
2 ance participation rate among children in
3 the State.

4 “(e) CONSULTATION.—In determining the range of
5 projects and defining selection criteria under this section,
6 the Secretary shall consult with—

7 “(1) the Secretary of Health and Human Serv-
8 ices;

9 “(2) the Secretary of Labor;

10 “(3) the Secretary of Education; and

11 “(4) the Secretary of Housing and Urban De-
12 velopment.

13 “(f) EVALUATION AND REPORTING.—

14 “(1) GENERAL PERFORMANCE ASSESSMENT.—
15 Each project authorized under this section shall re-
16 quire an independent assessment that—

17 “(A) measures the impact of any activities
18 carried out under the project on the level of
19 food insecurity in the State that—

20 “(i) focuses particularly on the level of
21 food insecurity among children in the
22 State; and

23 “(ii) includes a preimplementation
24 baseline and annual measurements taken

1 during the project of the level of food inse-
2 curity in the State; and

3 “(B) is carried out using a methodology
4 prescribed by the Secretary.

5 “(2) INDEPENDENT EVALUATION.—Each
6 project authorized under this section shall provide
7 for an independent evaluation of not less than 1
8 major strategy that—

9 “(A) measures the impact of the strategy
10 on appropriate participation, food security, nu-
11 trition, and associated behavioral outcomes
12 among participating households; and

13 “(B) uses rigorous experimental designs
14 and methodologies, particularly random assign-
15 ment or other methods that are capable of pro-
16 ducing scientifically valid information regarding
17 which activities are effective in reducing the
18 prevalence or preventing the incidence of food
19 insecurity and hunger in the community, espe-
20 cially among children.

21 “(3) REPORTING.—Not later than December
22 31, 2011 and each December 31 thereafter until the
23 date on which the last evaluation under paragraph
24 (1) is completed, the Secretary shall—

1 “(A) submit to the Committee on Agri-
2 culture and the Committee on Education and
3 Labor of the House of Representatives and the
4 Committee on Agriculture, Nutrition, and For-
5 estry of the Senate a report that includes a de-
6 scription of—

7 “(i) the status of each State dem-
8 onstration project; and

9 “(ii) the results of any evaluations of
10 the demonstration projects completed dur-
11 ing the previous fiscal year; and

12 “(B) ensure that the evaluation results are
13 shared broadly to inform policy makers, service
14 providers, other partners, and the public in
15 order to promote the wide use of successful
16 strategies.

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There are authorized to be
19 appropriated to carry out this section such sums as
20 are necessary for each of fiscal years 2011 through
21 2014, to remain available until September 30, 2015.

22 “(2) USE OF FUNDS.—Funds made available
23 under paragraph (1) may be used to carry out this
24 section, including to pay Federal costs associated
25 with developing, soliciting, awarding, monitoring,

1 evaluating, and disseminating the results of each
2 demonstration project under this section.

3 “(3) LIMITATIONS.—

4 “(A) DURATION.—No project may be
5 funded under this section for more than 5
6 years.

7 “(B) PERFORMANCE BASIS.—Funds pro-
8 vided under this section shall be made available
9 to each Governor on an annual basis, with the
10 amount of funds provided for each year contin-
11 gent on the satisfactory implementation of the
12 project plan and progress towards the perform-
13 ance goals defined in the project year plan.

14 “(C) ALTERING NUTRITION ASSISTANCE
15 PROGRAM REQUIREMENTS.—No project that
16 makes use of, alters, or coordinates with the
17 supplemental nutrition assistance program may
18 be funded under this section unless the project
19 is fully consistent with the project requirements
20 described in section 17(b)(1)(B) of the Food
21 and Nutrition Act of 2008 (7 U.S.C.
22 2026(b)(1)(B)).

23 “(D) OTHER BENEFITS.—Funds made
24 available under this section may not be used for

1 any project in a manner that is inconsistent
2 with—

3 “(i) this Act;

4 “(ii) the Child Nutrition Act of 1966
5 (42 U.S.C. 1771 et seq.);

6 “(iii) the Food and Nutrition Act of
7 2008 (7 U.S.C. 2011 et seq.); or

8 “(iv) the Emergency Food Assistance
9 Act of 1983 (7 U.S.C. 7501 et seq.).”.

10 **SEC. 143. REVIEW OF LOCAL POLICIES ON MEAL CHARGES**
11 **AND PROVISION OF ALTERNATE MEALS.**

12 (a) IN GENERAL.—

13 (1) REVIEW.—The Secretary, in conjunction
14 with States and participating local educational agen-
15 cies, shall examine the current policies and practices
16 of States and local educational agencies regarding
17 extending credit to children to pay the cost to the
18 children of reimbursable school lunches and break-
19 fasts.

20 (2) SCOPE.—The examination under paragraph
21 (1) shall include the policies and practices in effect
22 as of the date of enactment of this Act relating to
23 providing to children who are without funds a meal
24 other than the reimbursable meals.

1 (3) FEASIBILITY.—In carrying out the exam-
2 ination under paragraph (1), the Secretary shall—

3 (A) prepare a report on the feasibility of
4 establishing national standards for meal
5 charges and the provision of alternate meals;
6 and

7 (B) provide recommendations for imple-
8 menting those standards.

9 (b) FOLLOWUP ACTIONS.—

10 (1) IN GENERAL.—Based on the findings and
11 recommendations under subsection (a), the Sec-
12 retary may—

13 (A) implement standards described in
14 paragraph (3) of that subsection through regu-
15 lation;

16 (B) test recommendations through dem-
17 onstration projects; or

18 (C) study further the feasibility of rec-
19 ommendations.

20 (2) FACTORS FOR CONSIDERATION.—In deter-
21 mining how best to implement recommendations de-
22 scribed in subsection (a)(3), the Secretary shall con-
23 sider such factors as—

24 (A) the impact of overt identification on
25 children;

1 (B) the manner in which the affected
 2 households will be provided with assistance in
 3 establishing eligibility for free or reduced price
 4 school meals; and

5 (C) the potential financial impact on local
 6 educational agencies.

7 **TITLE II—REDUCING CHILD-**
 8 **HOOD OBESITY AND IMPROV-**
 9 **ING THE DIETS OF CHILDREN**
 10 **Subtitle A—National School Lunch**
 11 **Program**

12 **SEC. 201. PERFORMANCE-BASED REIMBURSEMENT RATE**
 13 **INCREASES FOR NEW MEAL PATTERNS.**

14 Section 4(b) of the Richard B. Russell National
 15 School Lunch Act (42 U.S.C. 1753(b)) is amended by add-
 16 ing at the end the following:

17 “(3) ADDITIONAL REIMBURSEMENT.—

18 “(A) REGULATIONS.—

19 “(i) PROPOSED REGULATIONS.—Not-
 20 withstanding section 9(f), not later than
 21 18 months after the date of enactment of
 22 this paragraph, the Secretary shall promul-
 23 gate proposed regulations to update the
 24 meal patterns and nutrition standards for
 25 the school lunch program authorized under

1 this Act and the school breakfast program
2 established by section 4 of the Child Nutri-
3 tion Act of 1966 (42 U.S.C. 1773) based
4 on recommendations made by the Food
5 and Nutrition Board of the National Re-
6 search Council of the National Academy of
7 Sciences.

8 “(ii) INTERIM OR FINAL REGULA-
9 TIONS.—

10 “(I) IN GENERAL.—Not later
11 than 18 months after promulgation of
12 the proposed regulations under clause
13 (i), the Secretary shall promulgate in-
14 terim or final regulations.

15 “(II) DATE OF REQUIRED COM-
16 PLIANCE.—The Secretary shall estab-
17 lish in the interim or final regulations
18 a date by which all school food au-
19 thorities participating in the school
20 lunch program authorized under this
21 Act and the school breakfast program
22 established by section 4 of the Child
23 Nutrition Act of 1966 (42 U.S.C.
24 1773) are required to comply with the
25 meal pattern and nutrition standards

1 established in the interim or final reg-
2 ulations.

3 “(iii) REPORT TO CONGRESS.—Not
4 later than 90 days after the date of enact-
5 ment of this paragraph, and each 90 days
6 thereafter until the Secretary has promul-
7 gated interim or final regulations under
8 clause (ii), the Secretary shall submit to
9 the Committee on Education and Labor of
10 the House of Representatives and the
11 Committee on Agriculture, Nutrition, and
12 Forestry of the Senate a quarterly report
13 on progress made toward promulgation of
14 the regulations described in this subpara-
15 graph.

16 “(B) PERFORMANCE-BASED REIMBURSE-
17 MENT RATE INCREASE.—Beginning on the later
18 of the date of promulgation of the interim or
19 final regulations described in subparagraph
20 (A)(ii), the date of enactment of this para-
21 graph, or October 1, 2012, the Secretary shall
22 provide additional reimbursement for each
23 lunch served in school food authorities deter-
24 mined to be eligible under subparagraph (D).

25 “(C) ADDITIONAL REIMBURSEMENT.—

1 “(i) IN GENERAL.—Each lunch served
2 in school food authorities determined to be
3 eligible under subparagraph (D) shall re-
4 ceive an additional 6 cents, adjusted in ac-
5 cordance with section 11(a)(3), to the na-
6 tional lunch average payment for each
7 lunch served.

8 “(ii) DISBURSEMENT.—The State
9 agency shall disburse funds made available
10 under this paragraph to school food au-
11 thorities eligible to receive additional reim-
12 bursement.

13 “(D) ELIGIBLE SCHOOL FOOD AUTHOR-
14 ITY.—To be eligible to receive an additional re-
15 imbursement described in this paragraph, a
16 school food authority shall be certified by the
17 State to be in compliance with the interim or
18 final regulations described in subparagraph
19 (A)(ii).

20 “(E) FAILURE TO COMPLY.—Beginning on
21 the later of the date described in subparagraph
22 (A)(ii)(II), the date of enactment of this para-
23 graph, or October 1, 2012, school food authori-
24 ties found to be out of compliance with the
25 meal patterns or nutrition standards established

1 by the interim or final regulations shall not re-
2 ceive the additional reimbursement for each
3 lunch served described in this paragraph.

4 “(F) ADMINISTRATIVE COSTS.—

5 “(i) IN GENERAL.—Subject to clauses
6 (ii) and (iii), the Secretary shall make
7 funds available to States for State activi-
8 ties related to training, technical assist-
9 ance, certification, and oversight activities
10 of this paragraph.

11 “(ii) PROVISION OF FUNDS.—The
12 Secretary shall provide funds described in
13 clause (i) to States administering a school
14 lunch program in a manner proportional to
15 the administrative expense allocation of
16 each State during the preceding fiscal
17 year.

18 “(iii) FUNDING.—

19 “(I) IN GENERAL.—In the later
20 of the fiscal year in which the interim
21 or final regulations described in sub-
22 paragraph (A)(ii) are promulgated or
23 the fiscal year in which this para-
24 graph is enacted, and in the subse-
25 quent fiscal year, the Secretary shall

1 use not more than \$50,000,000 of
2 funds made available under section 3
3 to make payments to States described
4 in clause (i).

5 “(II) RESERVATION.—In pro-
6 viding funds to States under clause
7 (i), the Secretary may reserve not
8 more than \$3,000,000 per fiscal year
9 to support Federal administrative ac-
10 tivities to carry out this paragraph.”.

11 **SEC. 202. NUTRITION REQUIREMENTS FOR FLUID MILK.**

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

15 “(i) shall offer students a variety of
16 fluid milk. Such milk shall be consistent
17 with the most recent Dietary Guidelines
18 for Americans published under section 301
19 of the National Nutrition Monitoring and
20 Related Research Act of 1990 (7 U.S.C.
21 5341);”.

22 **SEC. 203. WATER.**

23 Section 9(a) of the Richard B. Russell National
24 School Lunch Act (42 U.S.C. 1758(a)) is amended by add-
25 ing at the end the following:

1 “(5) WATER.—Schools participating in the
2 school lunch program under this Act shall make
3 available to children free of charge, as nutritionally
4 appropriate, potable water for consumption in the
5 place where meals are served during meal service.”.

6 **SEC. 204. LOCAL SCHOOL WELLNESS POLICY IMPLEMENTA-**
7 **TION.**

8 (a) IN GENERAL.—The Richard B. Russell National
9 School Lunch Act is amended by inserting after section
10 9 (42 U.S.C. 1758) the following:

11 **“SEC. 9A. LOCAL SCHOOL WELLNESS POLICY.**

12 “(a) IN GENERAL.—Each local educational agency
13 participating in a program authorized by this Act or the
14 Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall
15 establish a local school wellness policy for all schools under
16 the jurisdiction of the local educational agency.

17 “(b) GUIDELINES.—The Secretary shall promulgate
18 regulations that provide the framework and guidelines for
19 local educational agencies to establish local school wellness
20 policies, including, at a minimum,—

21 “(1) goals for nutrition education, physical ac-
22 tivity, and other school-based activities that promote
23 student wellness;

24 “(2) for all foods available on each school cam-
25 pus under the jurisdiction of the local educational

1 agency during the school day, nutrition guidelines
2 that—

3 “(A) are consistent with sections 9 and 17
4 of this Act, and sections 4 and 10 of the Child
5 Nutrition Act of 1966 (42 U.S.C. 1773, 1779);
6 and

7 “(B) promote student health and reduce
8 childhood obesity;

9 “(3) a requirement that the local educational
10 agency permit parents, students, representatives of
11 the school food authority, the school board, school
12 administrators, and the general public to participate
13 in the development and periodic review and update
14 of the local school wellness policy;

15 “(4) a requirement that the local educational
16 agency inform and update the public (including par-
17 ents, students, and others in the community) about
18 the content and implementation of the local school
19 wellness policy; and

20 “(5) a requirement that the local educational
21 agency—

22 “(A) periodically measure and report on
23 implementation of the local school wellness pol-
24 icy, including—

1 “(i) the extent to which schools under
2 the jurisdiction of the local educational
3 agency are in compliance with the local
4 school wellness policy;

5 “(ii) the extent to which the local
6 school wellness policy of the local edu-
7 cational agency compares to model local
8 school wellness policies; and

9 “(iii) a description of the progress
10 made in attaining the goals of the local
11 school wellness policy; and

12 “(B) designate 1 or more local educational
13 agency officials or school officials, as appro-
14 priate, to ensure that each school complies with
15 the local school wellness policy.

16 “(c) LOCAL DISCRETION.—The local educational
17 agency shall use the guidelines promulgated by the Sec-
18 retary under subsection (b) to determine specific policies
19 appropriate for the schools under the jurisdiction of the
20 local educational agency.

21 “(d) TECHNICAL ASSISTANCE AND BEST PRAC-
22 TICES.—

23 “(1) IN GENERAL.—The Secretary, in consulta-
24 tion with the Secretary of Education and the Sec-
25 retary of Health and Human Services, acting

1 through the Centers for Disease Control and Preven-
2 tion, shall provide, on request, information and tech-
3 nical assistance to local educational agencies, school
4 food authorities, and State educational agencies for
5 use in establishing healthy school nutrition environ-
6 ments that are intended to reduce childhood obesity
7 and prevent chronic diet-related diseases.

8 “(2) CONTENT.—The Secretary shall provide
9 technical assistance that—

10 “(A) includes resources and training on de-
11 signing, implementing, promoting, dissemi-
12 nating, and evaluating local school wellness
13 policies and overcoming barriers to the adoption
14 of local school wellness policies;

15 “(B) includes model local school wellness
16 policies and best practices recommended by
17 Federal agencies, State agencies, and non-
18 governmental organizations;

19 “(C) includes such other technical assist-
20 ance as is required to promote sound nutrition
21 and establish healthy school nutrition environ-
22 ments; and

23 “(D) is consistent with the specific needs
24 and requirements of local educational agencies.

25 “(3) STUDY AND REPORT.—

1 “(A) IN GENERAL.—Subject to the avail-
2 ability of appropriations, the Secretary, in con-
3 junction with the Director of the Centers for
4 Disease Control and Prevention, shall prepare a
5 report on the implementation, strength, and ef-
6 fectiveness of the local school wellness policies
7 carried out in accordance with this section.

8 “(B) STUDY OF LOCAL SCHOOL WELLNESS
9 POLICIES.—The study described in subpara-
10 graph (A) shall include—

11 “(i) an analysis of the strength and
12 weaknesses of local school wellness policies
13 and how the policies compare with model
14 local wellness policies recommended under
15 paragraph (2)(B); and

16 “(ii) an assessment of the impact of
17 the local school wellness policies in ad-
18 dressing the requirements of subsection
19 (b).

20 “(C) REPORT.—Not later than January 1,
21 2014, the Secretary shall submit to the Com-
22 mittee on Education and Labor of the House of
23 Representatives and the Committee on Agri-
24 culture, Nutrition, and Forestry of the Senate

1 a report that describes the findings of the
2 study.

3 “(D) AUTHORIZATION OF APPROPRIA-
4 TIONS.—There are authorized to be appro-
5 priated to carry out this paragraph \$3,000,000
6 for fiscal year 2011, to remain available until
7 expended.”.

8 (b) REPEAL.—Section 204 of the Child Nutrition and
9 WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note;
10 Public Law 108–265) is repealed.

11 **SEC. 205. EQUITY IN SCHOOL LUNCH PRICING.**

12 Section 12 of the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1760) is amended by adding at the
14 end the following:

15 “(p) PRICE FOR A PAID LUNCH.—

16 “(1) DEFINITION OF PAID LUNCH.—In this
17 subsection, the term ‘paid lunch’ means a reimburs-
18 able lunch served to students who are not certified
19 to receive free or reduced price meals.

20 “(2) REQUIREMENT.—

21 “(A) IN GENERAL.—For each school year
22 beginning July 1, 2011, each school food au-
23 thority shall establish a price for paid lunches
24 in accordance with this subsection.

25 “(B) LOWER PRICE.—

1 “(i) IN GENERAL.—In the case of a
2 school food authority that established a
3 price for a paid lunch in the previous
4 school year that was less than the dif-
5 ference between the total Federal reim-
6 bursement for a free lunch and the total
7 Federal reimbursement for a paid lunch,
8 the school food authority shall establish an
9 average price for a paid lunch that is not
10 less than the price charged in the previous
11 school year, as adjusted by a percentage
12 equal to the sum obtained by adding—

13 “(I) 2 percent; and

14 “(II) the percentage change in
15 the Consumer Price Index for All
16 Urban Consumers (food away from
17 home index) used to increase the Fed-
18 eral reimbursement rate under section
19 11 for the most recent school year for
20 which data are available, as published
21 in the Federal Register.

22 “(ii) ROUNDING.—A school food au-
23 thority may round the adjusted price for a
24 paid lunch under clause (i) down to the
25 nearest 5 cents.

1 “(iii) MAXIMUM PRICE INCREASE.—

2 The maximum annual price increase in the
3 average price for a paid lunch for a school
4 year required under this subparagraph
5 shall not exceed 10 cents for any school
6 food authority.

7 “(C) EQUAL OR GREATER PRICE.—

8 “(i) IN GENERAL.—In the case of a
9 school food authority that established an
10 average price for a paid lunch in the pre-
11 vious school year that was equal to or
12 greater than the difference between the
13 total Federal reimbursement for a free
14 lunch and the total Federal reimbursement
15 for a paid lunch, the school food authority
16 shall establish an average price for a paid
17 lunch that is not less than the difference
18 between the total Federal reimbursement
19 for a free lunch and the total Federal re-
20 imbursement for a paid lunch.

21 “(ii) ROUNDING.—A school food au-
22 thority may round the adjusted price for a
23 paid lunch under clause (i) down to the
24 nearest 5 cents.

25 “(3) EXCEPTIONS.—

1 “(A) REDUCTION IN PRICE.—A school food
2 authority may reduce the average price of a
3 paid lunch established under this subsection if
4 the State agency ensures that funding from
5 non-Federal sources (other than in-kind con-
6 tributions) is added to the nonprofit school food
7 service account of the school food authority in
8 an amount estimated to equal to at least the
9 difference between—

10 “(i) the average price required of the
11 school food authority for the paid lunches
12 under paragraph (2); and

13 “(ii) the average price charged by the
14 school food authority for the paid lunches.

15 “(B) NON-FEDERAL SOURCES.—For the
16 purposes of subparagraph (A), non-Federal
17 sources does not include revenue from the sale
18 of foods sold in competition with meals served
19 under the school lunch program authorized
20 under this Act or the school breakfast program
21 established by section 4 of the Child Nutrition
22 Act of 1966 (42 U.S.C. 1773).

23 “(C) OTHER PROGRAMS.—This subsection
24 shall not apply to lunches provided under sec-
25 tion 17 of this Act.

1 “(4) REGULATIONS.—The Secretary shall es-
 2 tablish procedures to carry out this subsection, in-
 3 cluding collecting and publishing the prices that
 4 school food authorities charge for paid meals on an
 5 annual basis and procedures that allow school food
 6 authorities to average the pricing of paid lunches at
 7 schools throughout the jurisdiction of the school food
 8 authority.”.

9 **SEC. 206. REVENUE FROM NONPROGRAM FOODS SOLD IN**
 10 **SCHOOLS.**

11 Section 12 of the Richard B. Russell National School
 12 Lunch Act (42 U.S.C. 1760) (as amended by section 205)
 13 is amended by adding at the end the following:

14 “(q) NONPROGRAM FOOD SALES.—

15 “(1) DEFINITION OF NONPROGRAM FOOD.—In
 16 this subsection:

17 “(A) IN GENERAL.—The term ‘nonpro-
 18 gram food’ means food that is—

19 “(i) sold in a participating school
 20 other than a reimbursable meal provided
 21 under this Act or the Child Nutrition Act
 22 of 1966 (42 U.S.C. 1771 et seq.); and

23 “(ii) purchased using funds from the
 24 nonprofit school food service account of the
 25 school food authority of the school.

1 “(B) INCLUSION.—The term ‘nonprogram
2 food’ includes food that is sold in competition
3 with a program established under this Act or
4 the Child Nutrition Act of 1966 (42 U.S.C.
5 1771 et seq.).

6 “(2) REVENUES.—

7 “(A) IN GENERAL.—The proportion of
8 total school food service revenue provided by the
9 sale of nonprogram foods to the total revenue
10 of the school food service account shall be equal
11 to or greater than the proportion of total food
12 costs associated with obtaining nonprogram
13 foods to the total costs associated with obtain-
14 ing program and nonprogram foods from the
15 account.

16 “(B) ACCRUAL.—All revenue from the sale
17 of nonprogram foods shall accrue to the non-
18 profit school food service account of a partici-
19 pating school food authority.”

20 **SEC. 207. REPORTING AND NOTIFICATION OF SCHOOL PER-**
21 **FORMANCE.**

22 Section 22 of the Richard B. Russell National School
23 Lunch Act (42 U.S.C. 1769c) is amended—

24 (1) by striking subsection (a) and inserting the
25 following:

1 “(a) UNIFIED ACCOUNTABILITY SYSTEM.—

2 “(1) IN GENERAL.—There shall be a unified
3 system prescribed and administered by the Secretary
4 to ensure that local food service authorities partici-
5 pating in the school lunch program established
6 under this Act and the school breakfast program es-
7 tablished by section 4 of the Child Nutrition Act of
8 1966 (42 U.S.C. 1773) comply with those Acts, in-
9 cluding compliance with—

10 “(A) the nutritional requirements of sec-
11 tion 9(f) of this Act for school lunches; and

12 “(B) as applicable, the nutritional require-
13 ments for school breakfasts under section
14 4(e)(1) of the Child Nutrition Act of 1966 (42
15 U.S.C. 1773(e)(1)).”; and

16 (2) in subsection (b)(1), by striking subpara-
17 graphs (A) and (B) and inserting the following:

18 “(A) require that local food service au-
19 thorities comply with the nutritional require-
20 ments described in subparagraphs (A) and (B)
21 of paragraph (1);

22 “(B) to the maximum extent practicable,
23 ensure compliance through reasonable audits
24 and supervisory assistance reviews;

1 “(C) in conducting audits and reviews for
2 the purpose of determining compliance with this
3 Act, including the nutritional requirements of
4 section 9(f)—

5 “(i) conduct audits and reviews dur-
6 ing a 3-year cycle or other period pre-
7 scribed by the Secretary;

8 “(ii) select schools for review in each
9 local educational agency using criteria es-
10 tablished by the Secretary;

11 “(iii) report the final results of the re-
12 views to the public in the State in an ac-
13 cessible, easily understood manner in ac-
14 cordance with guidelines promulgated by
15 the Secretary; and

16 “(iv) submit to the Secretary each
17 year a report containing the results of the
18 reviews in accordance with procedures de-
19 veloped by the Secretary; and

20 “(D) when any local food service authority
21 is reviewed under this section, ensure that the
22 final results of the review by the State edu-
23 cational agency are posted and otherwise made
24 available to the public on request in an acces-

1 sible, easily understood manner in accordance
2 with guidelines promulgated by the Secretary.”.

3 **SEC. 208. NUTRITION STANDARDS FOR ALL FOODS SOLD IN**
4 **SCHOOL.**

5 Section 10 of the Child Nutrition Act of 1966 (42
6 U.S.C. 1779) is amended—

7 (1) by striking the section heading and all that
8 follows through “(a) The Secretary” and inserting
9 the following:

10 **“SEC. 10. REGULATIONS.**

11 “(a) IN GENERAL.—The Secretary”; and

12 (2) by striking subsection (b) and inserting the
13 following:

14 “(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

15 “(1) PROPOSED REGULATIONS.—

16 “(A) IN GENERAL.—The Secretary shall—

17 “(i) establish science-based nutrition
18 standards for foods sold in schools other
19 than foods provided under this Act and the
20 Richard B. Russell National School Lunch
21 Act (42 U.S.C. 1751 et seq.); and

22 “(ii) not later than 1 year after the
23 date of enactment of this paragraph, pro-
24 mulgate proposed regulations to carry out
25 clause (i).

1 “(B) APPLICATION.—The nutrition stand-
2 ards shall apply to all foods sold—

3 “(i) outside the school meal programs;

4 “(ii) on the school campus; and

5 “(iii) at any time during the school
6 day.

7 “(C) REQUIREMENTS.—In establishing nu-
8 trition standards under this paragraph, the Sec-
9 retary shall—

10 “(i) establish standards that are con-
11 sistent with the most recent Dietary
12 Guidelines for Americans published under
13 section 301 of the National Nutrition Mon-
14 itoring and Related Research Act of 1990
15 (7 U.S.C. 5341), including the food groups
16 to encourage and nutrients of concern
17 identified in the Dietary Guidelines; and

18 “(ii) consider —

19 “(I) authoritative scientific rec-
20 ommendations for nutrition standards;

21 “(II) existing school nutrition
22 standards, including voluntary stand-
23 ards for beverages and snack foods
24 and State and local standards;

1 “(III) the practical application of
2 the nutrition standards; and

3 “(IV) special exemptions for
4 school-sponsored fundraisers (other
5 than fundraising through vending ma-
6 chines, school stores, snack bars, a la
7 carte sales, and any other exclusions
8 determined by the Secretary), if the
9 fundraisers are approved by the school
10 and are infrequent within the school.

11 “(D) UPDATING STANDARDS.—As soon as
12 practicable after the date of publication by the
13 Department of Agriculture and the Department
14 of Health and Human Services of a new edition
15 of the Dietary Guidelines for Americans under
16 section 301 of the National Nutrition Moni-
17 toring and Related Research Act of 1990 (7
18 U.S.C. 5341), the Secretary shall review and
19 update as necessary the school nutrition stand-
20 ards and requirements established under this
21 subsection.

22 “(2) IMPLEMENTATION.—

23 “(A) EFFECTIVE DATE.—The interim or
24 final regulations under this subsection shall
25 take effect at the beginning of the school year

1 that is not earlier than 1 year and not later
2 than 2 years following the date on which the
3 regulations are finalized.

4 “(B) REPORTING.—The Secretary shall
5 submit to the Committee on Agriculture, Nutri-
6 tion, and Forestry of the Senate and the Com-
7 mittee on Education and Labor of the House of
8 Representatives a quarterly report that de-
9 scribes progress made toward promulgating
10 final regulations under this subsection.”.

11 **SEC. 209. INFORMATION FOR THE PUBLIC ON THE SCHOOL**
12 **NUTRITION ENVIRONMENT.**

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

16 “(k) INFORMATION ON THE SCHOOL NUTRITION EN-
17 VIRONMENT.—

18 “(1) IN GENERAL.—The Secretary shall—

19 “(A) establish requirements for local edu-
20 cational agencies participating in the school
21 lunch program under this Act and the school
22 breakfast program established by section 4 of
23 the Child Nutrition Act of 1966 (42 U.S.C.
24 1773) to report information about the school
25 nutrition environment, for all schools under the

1 jurisdiction of the local educational agencies, to
2 the Secretary and to the public in the State on
3 a periodic basis; and

4 “(B) provide training and technical assist-
5 ance to States and local educational agencies on
6 the assessment and reporting of the school nu-
7 trition environment, including the use of any
8 assessment materials developed by the Sec-
9 retary.

10 “(2) REQUIREMENTS.—In establishing the re-
11 quirements for reporting on the school nutrition en-
12 vironment under paragraph (1), the Secretary
13 shall—

14 “(A) include information pertaining to food
15 safety inspections, local wellness policies, meal
16 program participation, the nutritional quality of
17 program meals, and other information as deter-
18 mined by the Secretary; and

19 “(B) ensure that information is made
20 available to the public by local educational
21 agencies in an accessible, easily understood
22 manner in accordance with guidelines estab-
23 lished by the Secretary.

24 “(3) AUTHORIZATION OF APPROPRIATIONS.—
25 There are authorized to be appropriated to carry out

1 this subsection such sums as are necessary for each
2 of fiscal years 2011 through 2015.”.

3 **SEC. 210. ORGANIC FOOD PILOT PROGRAM.**

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

7 “(j) ORGANIC FOOD PILOT PROGRAM.—

8 “(1) PURPOSES.—The purposes of the organic
9 food pilot program established under this subsection
10 are—

11 “(A) to improve the nutritional value of
12 the school lunch program established under this
13 Act; and

14 “(B) to reduce the incidence of childhood
15 obesity.

16 “(2) ESTABLISHMENT.—The Secretary shall es-
17 tablish an organic food pilot program (referred to in
18 this subsection as the ‘pilot program’) under which
19 the Secretary shall provide grants on a competitive
20 basis to school food authorities selected under para-
21 graph (4).

22 “(3) USE OF FUNDS.—

23 “(A) IN GENERAL.—The Secretary shall
24 use funds provided under this section—

1 “(i) to enter into competitively award-
2 ed contracts or cooperative agreements
3 with school food authorities selected under
4 paragraph (4); or

5 “(ii) to make grants to school food
6 authority applicants selected under para-
7 graph (4).

8 “(B) SCHOOL FOOD AUTHORITY USES OF
9 FUNDS.—A school food authority that receives
10 a grant under this section shall use the grant
11 funds to establish a pilot program that in-
12 creases the quantity of organic foods provided
13 to schoolchildren under the school lunch pro-
14 gram established under this Act.

15 “(4) APPLICATION.—

16 “(A) IN GENERAL.—A school food author-
17 ity seeking a contract, grant, or cooperative
18 agreement under this subsection shall submit to
19 the Secretary an application in such form, con-
20 taining such information, and at such time as
21 the Secretary shall prescribe.

22 “(B) CRITERIA.—In selecting contract,
23 grant, or cooperative agreement recipients, the
24 Secretary shall consider—

1 “(i) the poverty line (as defined in
2 section 673(2) of the Community Services
3 Block Grant Act (42 U.S.C. 9902(2), in-
4 cluding any revision required by that sec-
5 tion)) applicable to a family of the size in-
6 volved of the households in the district
7 served by the school food authority, giving
8 preference to school food authority appli-
9 cants in which not less than 50 percent of
10 the households in the district are at or
11 below the Federal poverty line;

12 “(ii) the commitment of each school
13 food authority applicant—

14 “(I) to improve the nutritional
15 value of school meals;

16 “(II) to carry out innovative pro-
17 grams that improve the health and
18 wellness of schoolchildren; and

19 “(III) to evaluate the outcome of
20 the pilot program; and

21 “(iii) any other criteria the Secretary
22 determines to be appropriate.

23 “(5) AUTHORIZATION OF APPROPRIATIONS.—

24 There are authorized to be appropriated to carry out

1 this subsection \$10,000,000 for the period of fiscal
 2 years 2011 through 2015.”.

3 **Subtitle B—Child and Adult Care**
 4 **Food Program**

5 **SEC. 221. NUTRITION AND WELLNESS GOALS FOR MEALS**
 6 **SERVED THROUGH THE CHILD AND ADULT**
 7 **CARE FOOD PROGRAM.**

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

10 (1) in subsection (a), by striking “(a) GRANT
 11 AUTHORITY” and all that follows through the end of
 12 paragraph (1) and inserting the following:

13 “(a) PROGRAM PURPOSE, GRANT AUTHORITY AND
 14 INSTITUTION ELIGIBILITY.—

15 “(1) IN GENERAL.—

16 “(A) PROGRAM PURPOSE.—

17 “(i) FINDINGS.—Congress finds
 18 that—

19 “(I) eating habits and other
 20 wellness-related behavior habits are
 21 established early in life; and

22 “(II) good nutrition and wellness
 23 are important contributors to the
 24 overall health of young children and
 25 essential to cognitive development.

1 “(ii) PURPOSE.—The purpose of the
2 program authorized by this section is to
3 provide aid to child and adult care institu-
4 tions and family or group day care homes
5 for the provision of nutritious foods that
6 contribute to the wellness, healthy growth,
7 and development of young children, and
8 the health and wellness of older adults and
9 chronically impaired disabled persons.

10 “(B) GRANT AUTHORITY.—The Secretary
11 may carry out a program to assist States
12 through grants-in-aid and other means to ini-
13 tiate and maintain nonprofit food service pro-
14 grams for children in institutions providing
15 child care.”;

16 (2) by striking subsection (g) and inserting the
17 following:

18 “(g) NUTRITIONAL REQUIREMENTS FOR MEALS AND
19 SNACKS SERVED IN INSTITUTIONS AND FAMILY OR
20 GROUP DAY CARE HOMES.—

21 “(1) DEFINITION OF DIETARY GUIDELINES.—
22 In this subsection, the term ‘Dietary Guidelines’
23 means the Dietary Guidelines for Americans pub-
24 lished under section 301 of the National Nutrition

1 Monitoring and Related Research Act of 1990 (7
2 U.S.C. 5341).

3 “(2) NUTRITIONAL REQUIREMENTS.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (C), reimbursable meals and
6 snacks served by institutions, family or group
7 day care homes, and sponsored centers partici-
8 pating in the program under this section shall
9 consist of a combination of foods that meet
10 minimum nutritional requirements prescribed
11 by the Secretary on the basis of tested nutri-
12 tional research.

13 “(B) CONFORMITY WITH THE DIETARY
14 GUIDELINES AND AUTHORITATIVE SCIENCE.—

15 “(i) IN GENERAL.—Not less fre-
16 quently than once every 10 years, the Sec-
17 retary shall review and, as appropriate, up-
18 date requirements for meals served under
19 the program under this section to ensure
20 that the meals—

21 “(I) are consistent with the goals
22 of the most recent Dietary Guidelines;
23 and

24 “(II) promote the health of the
25 population served by the program au-

1 thorized under this section, as indi-
2 cated by the most recent relevant nu-
3 trition science and appropriate au-
4 thoritative scientific agency and orga-
5 nization recommendations.

6 “(ii) COST REVIEW.—The review re-
7 quired under clause (i) shall include a re-
8 view of the cost to child care centers and
9 group or family day care homes resulting
10 from updated requirements for meals and
11 snacks served under the program under
12 this section.

13 “(iii) REGULATIONS.—Not later than
14 18 months after the completion of the re-
15 view of the meal pattern under clause (i),
16 the Secretary shall promulgate proposed
17 regulations to update the meal patterns for
18 meals and snacks served under the pro-
19 gram under this section.

20 “(C) EXCEPTIONS.—

21 “(i) SPECIAL DIETARY NEEDS.—The
22 minimum nutritional requirements pre-
23 scribed under subparagraph (A) shall not
24 prohibit institutions, family or group day
25 care homes, and sponsored centers from

1 substituting foods to accommodate the
2 medical or other special dietary needs of
3 individual participants.

4 “(ii) EXEMPT INSTITUTIONS.—The
5 Secretary may elect to waive all or part of
6 the requirements of this subsection for
7 emergency shelters participating in the
8 program under this section.

9 “(3) MEAL SERVICE.—Institutions, family or
10 group day care homes, and sponsored centers shall
11 ensure that reimbursable meal service contributes to
12 the development and socialization of enrolled chil-
13 dren by providing that food is not used as a punish-
14 ment or reward.

15 “(4) FLUID MILK.—

16 “(A) IN GENERAL.—If an institution, fam-
17 ily or group day care home, or sponsored center
18 provides fluid milk as part of a reimbursable
19 meal or supplement, the institution, family or
20 group day care home, or sponsored center shall
21 provide the milk in accordance with the most
22 recent version of the Dietary Guidelines.

23 “(B) MILK SUBSTITUTES.—In the case of
24 children who cannot consume fluid milk due to
25 medical or other special dietary needs other

1 than a disability, an institution, family or group
2 day care home, or sponsored center may sub-
3 stitute for the fluid milk required in meals
4 served, a nondairy beverage that—

5 “(i) is nutritionally equivalent to fluid
6 milk; and

7 “(ii) meets nutritional standards es-
8 tablished by the Secretary, including,
9 among other requirements established by
10 the Secretary, fortification of calcium, pro-
11 tein, vitamin A, and vitamin D to levels
12 found in cow’s milk.

13 “(C) APPROVAL.—

14 “(i) IN GENERAL.—A substitution au-
15 thorized under subparagraph (B) may be
16 made—

17 “(I) at the discretion of and on
18 approval by the participating day care
19 institution; and

20 “(II) if the substitution is re-
21 quested by written statement of a
22 medical authority, or by the parent or
23 legal guardian of the child, that iden-
24 tifies the medical or other special die-

1 tary need that restricts the diet of the
2 child.

3 “(ii) EXCEPTION.—An institution,
4 family or group day care home, or spon-
5 sored center that elects to make a substi-
6 tution authorized under this paragraph
7 shall not be required to provide beverages
8 other than beverages the State has identi-
9 fied as acceptable substitutes.

10 “(D) EXCESS EXPENSES BORNE BY INSTI-
11 TUTION.—A participating institution, family or
12 group day care home, or sponsored center shall
13 be responsible for any expenses that—

14 “(i) are incurred by the institution,
15 family or group day care home, or spon-
16 sored center to provide substitutions under
17 this paragraph; and

18 “(ii) are in excess of expenses covered
19 under reimbursements under this Act.

20 “(5) NONDISCRIMINATION POLICY.—No phys-
21 ical segregation or other discrimination against any
22 child shall be made because of the inability of the
23 child to pay, nor shall there be any overt identifica-
24 tion of any such child by special tokens or tickets,

1 different meals or meal service, announced or pub-
2 lished lists of names, or other means.

3 “(6) USE OF ABUNDANT AND DONATED
4 FOODS.—To the maximum extent practicable, each
5 institution shall use in its food service foods that
6 are—

7 “(A) designated from time to time by the
8 Secretary as being in abundance, either nation-
9 ally or in the food service area; or

10 “(B) donated by the Secretary.”;

11 (3) by adding at the end the following:

12 “(u) PROMOTING HEALTH AND WELLNESS IN CHILD
13 CARE.—

14 “(1) PHYSICAL ACTIVITY AND ELECTRONIC
15 MEDIA USE.—The Secretary shall encourage partici-
16 pating child care centers and family or group day
17 care homes—

18 “(A) to provide to all children under the
19 supervision of the participating child care cen-
20 ters and family or group day care homes daily
21 opportunities for structured and unstructured
22 age-appropriate physical activity; and

23 “(B) to limit among children under the su-
24 pervision of the participating child care centers

1 and family or group day care homes the use of
2 electronic media to an appropriate level.

3 “(2) WATER CONSUMPTION.—Participating
4 child care centers and family or group day care
5 homes shall make available to children, as nutrition-
6 ally appropriate, potable water as an acceptable fluid
7 for consumption throughout the day, including at
8 meal times.

9 “(3) TECHNICAL ASSISTANCE AND GUID-
10 ANCE.—

11 “(A) IN GENERAL.—The Secretary shall
12 provide technical assistance to institutions par-
13 ticipating in the program under this section to
14 assist participating child care centers and fam-
15 ily or group day care homes in complying with
16 the nutritional requirements and wellness rec-
17 ommendations prescribed by the Secretary in
18 accordance with this subsection and subsection
19 (g).

20 “(B) GUIDANCE.—Not later than January
21 1, 2012, the Secretary shall issue guidance to
22 States and institutions to encourage partici-
23 pating child care centers and family or group
24 day care homes serving meals and snacks under
25 this section to—

1 “(i) include foods that are rec-
2 ommended for increased serving consump-
3 tion in amounts recommended by the most
4 recent Dietary Guidelines for Americans
5 published under section 301 of the Na-
6 tional Nutrition Monitoring and Related
7 Research Act of 1990 (7 U.S.C. 5341), in-
8 cluding fresh, canned, dried, or frozen
9 fruits and vegetables, whole grain prod-
10 ucts, lean meat products, and low-fat and
11 non-fat dairy products; and

12 “(ii) reduce sedentary activities and
13 provide opportunities for regular physical
14 activity in quantities recommended by the
15 most recent Dietary Guidelines for Ameri-
16 cans described in clause (i).

17 “(C) NUTRITION.—Technical assistance
18 relating to the nutritional requirements of this
19 subsection and subsection (g) shall include—

20 “(i) nutrition education, including
21 education that emphasizes the relationship
22 between nutrition, physical activity, and
23 health;

24 “(ii) menu planning;

1 “(iii) interpretation of nutrition labels;

2 and

3 “(iv) food preparation and purchasing

4 guidance to produce meals and snacks that

5 are—

6 “(I) consistent with the goals of

7 the most recent Dietary Guidelines;

8 and

9 “(II) promote the health of the

10 population served by the program

11 under this section, as recommended

12 by authoritative scientific organiza-

13 tions.

14 “(D) PHYSICAL ACTIVITY.—Technical as-

15 sistance relating to the physical activity require-

16 ments of this subsection shall include—

17 “(i) education on the importance of

18 regular physical activity to overall health

19 and well being; and

20 “(ii) sharing of best practices for

21 physical activity plans in child care centers

22 and homes as recommended by authori-

23 tative scientific organizations.

1 “(E) ELECTRONIC MEDIA USE.—Technical
2 assistance relating to the electronic media use
3 requirements of this subsection shall include—

4 “(i) education on the benefits of lim-
5 iting exposure to electronic media by chil-
6 dren; and

7 “(ii) sharing of best practices for the
8 development of daily activity plans that
9 limit use of electronic media.

10 “(F) MINIMUM ASSISTANCE.—At a min-
11 imum, the technical assistance required under
12 this paragraph shall include a handbook, devel-
13 oped by the Secretary in coordination with the
14 Secretary for Health and Human Services, that
15 includes recommendations, guidelines, and best
16 practices for participating institutions and fam-
17 ily or group day care homes that are consistent
18 with the nutrition, physical activity, and
19 wellness requirements and recommendations of
20 this subsection.

21 “(G) ADDITIONAL ASSISTANCE.—In addi-
22 tion to the requirements of this paragraph, the
23 Secretary shall develop and provide such appro-
24 priate training and education materials, guid-
25 ance, and technical assistance as the Secretary

1 considers to be necessary to comply with the
 2 nutritional and wellness requirements of this
 3 subsection and subsection (g).

4 “(H) FUNDING.—

5 “(i) IN GENERAL.—On October 1,
 6 2010, out of any funds in the Treasury not
 7 otherwise appropriated, the Secretary of
 8 the Treasury shall transfer to the Sec-
 9 retary to provide technical assistance
 10 under this subsection \$10,000,000, to re-
 11 main available until expended.

12 “(ii) RECEIPT AND ACCEPTANCE.—

13 The Secretary shall be entitled to receive,
 14 shall accept, and shall use to carry out this
 15 subsection the funds transferred under
 16 clause (i), without further appropriation.”.

17 **SEC. 222. INTERAGENCY COORDINATION TO PROMOTE**
 18 **HEALTH AND WELLNESS IN CHILD CARE LI-**
 19 **CENSING.**

20 The Secretary shall coordinate with the Secretary of
 21 Health and Human Services to encourage State licensing
 22 agencies to include nutrition and wellness standards with-
 23 in State licensing standards that ensure, to the maximum
 24 extent practicable, that licensed child care centers and
 25 family or group day care homes—

1 (1) provide to all children under the supervision
2 of the child care centers and family or group day
3 care homes daily opportunities for age-appropriate
4 physical activity;

5 (2) limit among children under the supervision
6 of the child care centers and family or group day
7 care homes the use of electronic media and the
8 quantity of time spent in sedentary activity to an ap-
9 propriate level;

10 (3) serve meals and snacks that are consistent
11 with the requirements of the child and adult care
12 food program established under section 17 of the
13 Richard B. Russell National School Lunch Act (42
14 U.S.C. 1766); and

15 (4) promote such other nutrition and wellness
16 goals as the Secretaries determine to be necessary.

17 **SEC. 223. STUDY ON NUTRITION AND WELLNESS QUALITY**
18 **OF CHILD CARE SETTINGS.**

19 (a) IN GENERAL.—Not less than 3 years after the
20 date of enactment of this Act, the Secretary, in consulta-
21 tion with the Secretary of Health and Human Services,
22 shall enter into a contract for the conduct of a nationally
23 representative study of child care centers and family or
24 group day care homes that includes an assessment of—

1 (1) the nutritional quality of all foods provided
2 to children in child care settings as compared to the
3 recommendations in most recent Dietary Guidelines
4 for Americans published under section 301 of the
5 National Nutrition Monitoring and Related Research
6 Act of 1990 (7 U.S.C. 5341);

7 (2) the quantity and type of opportunities for
8 physical activity provided to children in child care
9 settings;

10 (3) the quantity of time spent by children in
11 child care settings in sedentary activities;

12 (4) an assessment of barriers and facilitators
13 to—

14 (A) providing foods to children in child
15 care settings that meet the recommendations of
16 the most recent Dietary Guidelines for Ameri-
17 cans published under section 301 of the Na-
18 tional Nutrition Monitoring and Related Re-
19 search Act of 1990 (7 U.S.C. 5341);

20 (B) providing the appropriate quantity and
21 type of opportunities of physical activity for
22 children in child care settings; and

23 (C) participation by child care centers and
24 family or group day care homes in the child and
25 adult care food program established under sec-

1 tion 17 of the Richard B. Russell National
2 School Lunch Act (42 U.S.C. 1766); and
3 (5) such other assessment measures as the Sec-
4 retary may determine to be necessary.

5 (b) REPORT TO CONGRESS.—The Secretary shall
6 submit to Congress a report that includes a detailed de-
7 scription of the results of the study conducted under sub-
8 section (a).

9 (c) FUNDING.—

10 (1) IN GENERAL.—On October 1, 2010, out of
11 any funds in the Treasury not otherwise appro-
12 priated, the Secretary of the Treasury shall transfer
13 to the Secretary to carry out this section
14 \$5,000,000, to remain available until expended.

15 (2) RECEIPT AND ACCEPTANCE.—The Sec-
16 retary shall be entitled to receive, shall accept, and
17 shall use to carry out this section the funds trans-
18 ferred under paragraph (1), without further appro-
19 priation.

1 **Subtitle C—Special Supplemental**
2 **Nutrition Program for Women,**
3 **Infants, and Children**

4 **SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PRO-**
5 **GRAM.**

6 Section 17 of the Child Nutrition Act of 1966 (42
7 U.S.C. 1786) is amended—

8 (1) in subsection (a), in the second sentence, by
9 striking “supplemental foods and nutrition education
10 through any eligible local agency” and inserting
11 “supplemental foods and nutrition education, includ-
12 ing breastfeeding promotion and support, through
13 any eligible local agency”;

14 (2) in subsection (b)(4), by inserting
15 “breastfeeding support and promotion,” after “nu-
16 trition education,”;

17 (3) in subsection (c)(1), in the first sentence, by
18 striking “supplemental foods and nutrition education
19 to” and inserting “supplemental foods, nutrition
20 education, and breastfeeding support and promotion
21 to”;

22 (4) in subsection (e)(2), in the second sentence,
23 by inserting “, including breastfeeding support and
24 education,” after “nutrition education”;

1 (5) in subsection (f)(6)(B), in the first sen-
2 tence, by inserting “and breastfeeding” after “nutri-
3 tion education”;

4 (6) in subsection (h)—

5 (A) in paragraph (4)—

6 (i) by striking “(4) The Secretary”
7 and all that follows through “(A) in con-
8 sultation” and inserting the following:

9 “(4) REQUIREMENTS.—

10 “(A) IN GENERAL.—The Secretary shall—

11 “(i) in consultation”;

12 (ii) by redesignating subparagraphs
13 (B) through (F) as clauses (ii) through
14 (vi), respectively, and indenting appro-
15 priately;

16 (iii) in clause (v) (as so redesignated),
17 by striking “and” at the end;

18 (iv) in clause (vi) (as so redesignated),
19 by striking “2010 initiative.” and inserting
20 “initiative; and”; and

21 (v) by adding at the end the following:

22 “(vii) annually compile and publish
23 breastfeeding performance measurements
24 based on program participant data on the
25 number of partially and fully breast-fed in-

1 fants, including breastfeeding performance
2 measurements for—

3 “(I) each State agency; and

4 “(II) each local agency;

5 “(viii) in accordance with subpara-
6 graph (B), implement a program to recog-
7 nize exemplary breastfeeding support prac-
8 tices at local agencies or clinics partici-
9 pating in the special supplemental nutri-
10 tion program established under this sec-
11 tion; and

12 “(ix) in accordance with subparagraph
13 (C), implement a program to provide per-
14 formance bonuses to State agencies.

15 “(B) EXEMPLARY BREASTFEEDING SUP-
16 PORT PRACTICES.—

17 “(i) IN GENERAL.—In evaluating ex-
18 emplary practices under subparagraph
19 (A)(viii), the Secretary shall consider—

20 “(I) performance measurements
21 of breastfeeding;

22 “(II) the effectiveness of a peer
23 counselor program;

24 “(III) the extent to which the
25 agency or clinic has partnered with

1 other entities to build a supportive
2 breastfeeding environment for women
3 participating in the program; and

4 “(IV) such other criteria as the
5 Secretary considers appropriate after
6 consultation with State and local pro-
7 gram agencies.

8 “(ii) AUTHORIZATION OF APPROPRIA-
9 TIONS.—There is authorized to be appro-
10 priated to carry out the activities described
11 in clause (viii) of subparagraph (A) such
12 sums as are necessary.

13 “(C) PERFORMANCE BONUSES.—

14 “(i) IN GENERAL.—Following the
15 publication of breastfeeding performance
16 measurements under subparagraph
17 (A)(vii), the Secretary shall provide per-
18 formance bonus payments to not more
19 than 15 State agencies that demonstrate,
20 as compared to other State agencies par-
21 ticipating in the program—

22 “(I) the highest proportion of
23 breast-fed infants; or

24 “(II) the greatest improvement in
25 proportion of breast-fed infants.

1 “(ii) CONSIDERATION.—In providing
2 performance bonus payments to State
3 agencies under this subparagraph, the Sec-
4 retary shall consider the proportion of fully
5 breast-fed infants in the States.

6 “(iii) USE OF FUNDS.—A State agen-
7 cy that receives a performance bonus
8 under clause (i)—

9 “(I) shall treat the funds as pro-
10 gram income; and

11 “(II) may transfer the funds to
12 local agencies for use in carrying out
13 the program.

14 “(iv) IMPLEMENTATION.—The Sec-
15 retary shall provide the first performance
16 bonuses not later than 1 year after the
17 date of enactment of this clause and may
18 subsequently revise the criteria for award-
19 ing performance bonuses; and”;

20 (B) by striking paragraph (10) and insert-
21 ing the following:

22 “(10) FUNDS FOR INFRASTRUCTURE, MANAGE-
23 MENT INFORMATION SYSTEMS, AND SPECIAL NUTRI-
24 TION EDUCATION.—

1 “(A) IN GENERAL.—For each of fiscal
2 years 2010 through 2015, the Secretary shall
3 use for the purposes specified in subparagraph
4 (B) \$134,000,000 (as adjusted annually for in-
5 flation by the same factor used to determine the
6 national average per participant grant for nutri-
7 tion services and administration for the fiscal
8 year under paragraph (1)(B)).

9 “(B) PURPOSES.—Subject to subpara-
10 graph (C), of the amount made available under
11 subparagraph (A) for a fiscal year—

12 “(i) \$14,000,000 shall be used for—

13 “(I) infrastructure for the pro-
14 gram under this section;

15 “(II) special projects to promote
16 breastfeeding, including projects to
17 assess the effectiveness of particular
18 breastfeeding promotion strategies;
19 and

20 “(III) special State projects of
21 regional or national significance to
22 improve the services of the program;

23 “(ii) \$30,000,000 shall be used to es-
24 tablish, improve, or administer manage-
25 ment information systems for the program,

1 including changes necessary to meet new
2 legislative or regulatory requirements of
3 the program; and

4 “(iii) \$90,000,000 shall be used for
5 special nutrition education (such as
6 breastfeeding peer counselors and other re-
7 lated activities), of which not more than
8 \$10,000,000 of any funding provided in
9 excess of \$50,000,000 shall be used to
10 make performance bonus payments under
11 paragraph (4)(C).

12 “(C) ADJUSTMENT.—Each of the amounts
13 referred to in clauses (i), (ii), and (iii) of sub-
14 paragraph (B) shall be adjusted annually for
15 inflation by the same factor used to determine
16 the national average per participant grant for
17 nutrition services and administration for the
18 fiscal year under paragraph (1)(B).

19 “(D) PROPORTIONAL DISTRIBUTION.—The
20 Secretary shall distribute funds made available
21 under subparagraph (A) in accordance with the
22 proportional distribution described in subpara-
23 graphs (B) and (C).”; and

24 (7) in subsection (j), by striking “supplemental
25 foods and nutrition education” each place it appears

1 in paragraphs (1) and (2) and inserting “supple-
 2 mental foods, nutrition education, and breastfeeding
 3 support and promotion”.

4 **SEC. 232. REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.**

5 Section 17(f)(11)(D) of the Child Nutrition Act of
 6 1966 (42 U.S.C. 1786(f)(11)(D)) is amended in the mat-
 7 ter preceding clause (i) by inserting “but not less than
 8 every 10 years,” after “scientific knowledge,”.

9 **Subtitle D—Miscellaneous**

10 **SEC. 241. NUTRITION EDUCATION AND OBESITY PREVEN-**
 11 **TION GRANT PROGRAM.**

12 (a) IN GENERAL.—The Food and Nutrition Act of
 13 2008 (7 U.S.C. 2011 et seq.) is amended by adding at
 14 the end the following:

15 **“SEC. 28. NUTRITION EDUCATION AND OBESITY PREVEN-**
 16 **TION GRANT PROGRAM.**

17 “(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this
 18 section, the term ‘eligible individual’ means an individual
 19 who is eligible to receive benefits under a nutrition edu-
 20 cation and obesity prevention program under this section
 21 as a result of being—

22 “(1) an individual eligible for benefits under—
 23 “(A) this Act;

1 “(B) sections 9(b)(1)(A) and 17(c)(4) of
2 the Richard B Russell National School Lunch
3 Act (42 U.S.C. 1758(b)(1)(A), 1766(c)(4)); or

4 “(C) section 4(e)(1)(A) of the Child Nutri-
5 tion Act of 1966 (42 U.S.C. 1773(e)(1)(A));

6 “(2) an individual who resides in a community
7 with a significant low-income population, as deter-
8 mined by the Secretary; or

9 “(3) such other low-income individual as is de-
10 termined to be eligible by the Secretary.

11 “(b) PROGRAMS.—Consistent with the terms and
12 conditions of grants awarded under this section, State
13 agencies may implement a nutrition education and obesity
14 prevention program for eligible individuals that promotes
15 healthy food choices consistent with the most recent Die-
16 tary Guidelines for Americans published under section 301
17 of the National Nutrition Monitoring and Related Re-
18 search Act of 1990 (7 U.S.C. 5341).

19 “(c) DELIVERY OF NUTRITION EDUCATION AND
20 OBESITY PREVENTION SERVICES.—

21 “(1) IN GENERAL.—State agencies may deliver
22 nutrition education and obesity prevention services
23 under a program described in subsection (b)—

24 “(A) directly to eligible individuals; or

1 “(B) through agreements with other State
2 or local agencies or community organizations.

3 “(2) NUTRITION EDUCATION STATE PLANS.—

4 “(A) IN GENERAL.—A State agency that
5 elects to provide nutrition education and obesity
6 prevention services under this subsection shall
7 submit to the Secretary for approval a nutrition
8 education State plan.

9 “(B) REQUIREMENTS.—Except as pro-
10 vided in subparagraph (C), a nutrition edu-
11 cation State plan shall—

12 “(i) identify the uses of the funding
13 for local projects;

14 “(ii) ensure that the interventions are
15 appropriate for eligible individuals who are
16 members of low-income populations by rec-
17 ognizing the constrained resources, and the
18 potential eligibility for Federal food assist-
19 ance programs, of members of those popu-
20 lations; and

21 “(iii) conform to standards established
22 by the Secretary through regulations, guid-
23 ance, or grant award documents.

24 “(C) TRANSITION PERIOD.—During each
25 of fiscal years 2011 and 2012, a nutrition edu-

1 cation State plan under this section shall be
2 consistent with the requirements of section
3 11(f) (as that section existed on the day before
4 the date of enactment of this section).

5 “(3) USE OF FUNDS.—

6 “(A) IN GENERAL.—A State agency may
7 use funds provided under this section for any
8 evidence-based allowable use of funds identified
9 by the Administrator of the Food and Nutrition
10 Service of the Department of Agriculture in
11 consultation with the Director of the Centers
12 for Disease Control and Prevention of the De-
13 partment of Health and Human Services, in-
14 cluding—

15 “(i) individual and group-based nutri-
16 tion education, health promotion, and
17 intervention strategies;

18 “(ii) comprehensive, multilevel inter-
19 ventions at multiple complementary organi-
20 zational and institutional levels; and

21 “(iii) community and public health ap-
22 proaches to improve nutrition.

23 “(B) CONSULTATION.—In identifying al-
24 lowable uses of funds under subparagraph (A)
25 and in seeking to strengthen delivery, oversight,

1 and evaluation of nutrition education, the Ad-
2 ministrator of the Food and Nutrition Service
3 shall consult with the Director of the Centers
4 for Disease Control and Prevention and outside
5 stakeholders and experts, including—

6 “(i) representatives of the academic
7 and research communities;

8 “(ii) nutrition education practitioners;

9 “(iii) representatives of State and
10 local governments; and

11 “(iv) community organizations that
12 serve low-income populations.

13 “(4) NOTIFICATION.—To the maximum extent
14 practicable, State agencies shall notify applicants,
15 participants, and eligible individuals under this Act
16 of the availability of nutrition education and obesity
17 prevention services under this section in local com-
18 munities.

19 “(5) COORDINATION.—Subject to the approval
20 of the Secretary, projects carried out with funds re-
21 ceived under this section may be coordinated with
22 other health promotion or nutrition improvement
23 strategies, whether public or privately funded, if the
24 projects carried out with funds received under this

1 section remain under the administrative control of
2 the State agency.

3 “(d) FUNDING.—

4 “(1) IN GENERAL.—Of funds made available
5 each fiscal year under section 18(a)(1), the Sec-
6 retary shall reserve for allocation to State agencies
7 to carry out the nutrition education and obesity pre-
8 vention grant program under this section—

9 “(A) for fiscal year 2011, \$375,000,000;
10 and

11 “(B) for fiscal year 2012 and each subse-
12 quent fiscal year, the applicable amount during
13 the preceding fiscal year, as adjusted to reflect
14 any increases for the 12-month period ending
15 the preceding June 30 in the Consumer Price
16 Index for All Urban Consumers published by
17 the Bureau of Labor Statistics of the Depart-
18 ment of Labor.

19 “(2) ALLOCATION.—

20 “(A) INITIAL ALLOCATION.—Of the funds
21 set aside under paragraph (1), as determined
22 by the Secretary—

23 “(i) for each of fiscal years 2011
24 through 2013, 100 percent shall be allo-
25 cated to State agencies based on the

1 amount of funding that the State received
2 for carrying out section 11(f) (as that sec-
3 tion existed on the day before the date of
4 enactment of this section) during fiscal
5 year 2009; and

6 “(ii) subject to a reallocation under
7 subparagraph (B)—

8 “(I) for fiscal year 2014—

9 “(aa) 90 percent shall be al-
10 located to State agencies in ac-
11 cordance with clause (i); and

12 “(bb) 10 percent shall be al-
13 located to State agencies based
14 on the respective share of each
15 State of the number of individ-
16 uals participating in the supple-
17 mental nutrition assistance pro-
18 gram during the 12-month period
19 ending the preceding January 31;

20 “(II) for fiscal year 2015—

21 “(aa) 80 percent shall be al-
22 located to State agencies in ac-
23 cordance with clause (i); and

1 “(bb) 20 percent shall be al-
2 located in accordance with sub-
3 clause (I)(bb);

4 “(III) for fiscal year 2016—

5 “(aa) 70 percent shall be al-
6 located to State agencies in ac-
7 cordance with clause (i); and

8 “(bb) 30 percent shall be al-
9 located in accordance with sub-
10 clause (I)(bb);

11 “(IV) for fiscal year 2017—

12 “(aa) 60 percent shall be al-
13 located to State agencies in ac-
14 cordance with clause (i); and

15 “(bb) 40 percent shall be al-
16 located in accordance with sub-
17 clause (I)(bb); and

18 “(V) for fiscal year 2018 and
19 each fiscal year thereafter—

20 “(aa) 50 percent shall be al-
21 located to State agencies in ac-
22 cordance with clause (i); and

23 “(bb) 50 percent shall be al-
24 located in accordance with sub-
25 clause (I)(bb).

1 “(B) REALLOCATION.—

2 “(i) IN GENERAL.—If the Secretary
3 determines that a State agency will not ex-
4 pend all of the funds allocated to the State
5 agency for a fiscal year under paragraph
6 (1) or in the case of a State agency that
7 elects not to receive the entire amount of
8 funds allocated to the State agency for a
9 fiscal year, the Secretary shall reallocate
10 the unexpended funds to other States dur-
11 ing the fiscal year or the subsequent fiscal
12 year (as determined by the Secretary) that
13 have approved State plans under which the
14 State agencies may expend the reallocated
15 funds.

16 “(ii) EFFECT OF ADDITIONAL
17 FUNDS.—

18 “(I) FUNDS RECEIVED.—Any re-
19 allocated funds received by a State
20 agency under clause (i) for a fiscal
21 year shall be considered to be part of
22 the fiscal year 2009 base allocation of
23 funds to the State agency for that fis-
24 cal year for purposes of determining

1 allocation under subparagraph (A) for
2 the subsequent fiscal year.

3 “(II) FUNDS SURRENDERED.—
4 Any funds surrendered by a State
5 agency under clause (i) shall not be
6 considered to be part of the fiscal year
7 2009 base allocation of funds to a
8 State agency for that fiscal year for
9 purposes of determining allocation
10 under subparagraph (A) for the sub-
11 sequent fiscal year.

12 “(3) LIMITATION ON FEDERAL FINANCIAL PAR-
13 TICIPATION.—

14 “(A) IN GENERAL.—Grants awarded under
15 this section shall be the only source of Federal
16 financial participation under this Act in nutri-
17 tion education and obesity prevention.

18 “(B) EXCLUSION.—Any costs of nutrition
19 education and obesity prevention in excess of
20 the grants authorized under this section shall
21 not be eligible for reimbursement under section
22 16(a).

23 “(e) IMPLEMENTATION.—Not later than January 1,
24 2012, the Secretary shall publish in the Federal Register

1 a description of the requirements for the receipt of a grant
2 under this section.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 4(a) of the Food and Nutrition Act
5 of 2008 (7 U.S.C. 2013(a)) is amended in the first
6 sentence by striking “and, through an approved
7 State plan, nutrition education”.

8 (2) Section 11 of the Food and Nutrition Act
9 of 2008 (7 U.S.C. 2020) is amended by striking
10 subsection (f).

11 **SEC. 242. PROCUREMENT AND PROCESSING OF FOOD SERV-**
12 **ICE PRODUCTS AND COMMODITIES.**

13 Section 9(a)(4) of the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1758(a)(4)) is amended by
15 adding at the end the following:

16 “(C) PROCUREMENT AND PROCESSING OF
17 FOOD SERVICE PRODUCTS AND COMMOD-
18 ITIES.—The Secretary shall—

19 “(i) identify, develop, and disseminate
20 to State departments of agriculture and
21 education, school food authorities, local
22 educational agencies, and local processing
23 entities, model product specifications and
24 practices for foods offered in school nutri-
25 tion programs under this Act and the

1 Child Nutrition Act of 1966 (42 U.S.C.
2 1771 et seq.) to ensure that the foods re-
3 flect the most recent Dietary Guidelines
4 for Americans published under section 301
5 of the National Nutrition Monitoring and
6 Related Research Act of 1990 (7 U.S.C.
7 5341);

8 “(ii) not later than 1 year after the
9 date of enactment of this subparagraph—

10 “(I) carry out a study to analyze
11 the quantity and quality of nutritional
12 information available to school food
13 authorities about food service prod-
14 ucts and commodities; and

15 “(II) submit to Congress a report
16 on the results of the study that con-
17 tains such legislative recommendations
18 as the Secretary considers necessary
19 to ensure that school food authorities
20 have access to the nutritional informa-
21 tion needed for menu planning and
22 compliance assessments; and

23 “(iii) to the maximum extent prac-
24 ticable, in purchasing and processing com-
25 modities for use in school nutrition pro-

1 grams under this Act and the Child Nutri-
2 tion Act of 1966 (42 U.S.C. 1771 et seq.),
3 purchase the widest variety of healthful
4 foods that reflect the most recent Dietary
5 Guidelines for Americans.”.

6 **SEC. 243. ACCESS TO LOCAL FOODS: FARM TO SCHOOL**
7 **PROGRAM.**

8 Section 18 of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1769) is amended—

10 (1) by redesignating subsections (h) and (i) and
11 subsection (j) (as added by section 210) as sub-
12 sections (i) through (k), respectively;

13 (2) in subsection (g), by striking “(g) ACCESS
14 TO LOCAL FOODS AND SCHOOL GARDENS.—” and
15 all that follows through “(3) PILOT PROGRAM FOR
16 HIGH-POVERTY SCHOOLS.—” and inserting the fol-
17 lowing:

18 “(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL
19 PROGRAM.—

20 “(1) DEFINITION OF ELIGIBLE SCHOOL.—In
21 this subsection, the term ‘eligible school’ means a
22 school or institution that participates in a program
23 under this Act or the school breakfast program es-
24 tablished under section 4 of the Child Nutrition Act
25 of 1966 (42 U.S.C. 1773).

1 “(2) PROGRAM.—The Secretary shall carry out
2 a program to assist eligible schools, State and local
3 agencies, Indian tribal organizations, agricultural
4 producers or groups of agricultural producers, and
5 nonprofit entities through grants and technical as-
6 sistance to implement farm to school programs that
7 improve access to local foods in eligible schools.

8 “(3) GRANTS.—

9 “(A) IN GENERAL.—The Secretary shall
10 award competitive grants under this subsection
11 to be used for—

12 “(i) training;

13 “(ii) supporting operations;

14 “(iii) planning;

15 “(iv) purchasing equipment;

16 “(v) developing school gardens;

17 “(vi) developing partnerships; and

18 “(vii) implementing farm to school
19 programs.

20 “(B) REGIONAL BALANCE.—In making
21 awards under this subsection, the Secretary
22 shall, to the maximum extent practicable, en-
23 sure—

24 “(i) geographical diversity; and

1 “(ii) equitable treatment of urban,
2 rural, and tribal communities.

3 “(C) MAXIMUM AMOUNT.—The total
4 amount provided to a grant recipient under this
5 subsection shall not exceed \$100,000.

6 “(4) FEDERAL SHARE.—

7 “(A) IN GENERAL.—The Federal share of
8 costs for a project funded through a grant
9 awarded under this subsection shall not exceed
10 75 percent of the total cost of the project.

11 “(B) FEDERAL MATCHING.—As a condi-
12 tion of receiving a grant under this subsection,
13 a grant recipient shall provide matching sup-
14 port in the form of cash or in-kind contribu-
15 tions, including facilities, equipment, or services
16 provided by State and local governments, non-
17 profit organizations, and private sources.

18 “(5) CRITERIA FOR SELECTION.—To the max-
19 imum extent practicable, in providing assistance
20 under this subsection, the Secretary shall give the
21 highest priority to funding projects that, as deter-
22 mined by the Secretary—

23 “(A) make local food products available on
24 the menu of the eligible school;

1 “(B) serve a high proportion of children
2 who are eligible for free or reduced price
3 lunches;

4 “(C) incorporate experiential nutrition edu-
5 cation activities in curriculum planning that en-
6 courage the participation of school children in
7 farm and garden-based agricultural education
8 activities;

9 “(D) demonstrate collaboration between el-
10 igible schools, nongovernmental and community-
11 based organizations, agricultural producer
12 groups, and other community partners;

13 “(E) include adequate and participatory
14 evaluation plans;

15 “(F) demonstrate the potential for long-
16 term program sustainability; and

17 “(G) meet any other criteria that the Sec-
18 retary determines appropriate.

19 “(6) EVALUATION.—As a condition of receiving
20 a grant under this subsection, each grant recipient
21 shall agree to cooperate in an evaluation by the Sec-
22 retary of the program carried out using grant funds.

23 “(7) TECHNICAL ASSISTANCE.—The Secretary
24 shall provide technical assistance and information to

1 assist eligible schools, State and local agencies, In-
2 dian tribal organizations, and nonprofit entities—

3 “(A) to facilitate the coordination and
4 sharing of information and resources in the De-
5 partment that may be applicable to the farm to
6 school program;

7 “(B) to collect and share information on
8 best practices; and

9 “(C) to disseminate research and data on
10 existing farm to school programs and the poten-
11 tial for programs in underserved areas.

12 “(8) FUNDING.—

13 “(A) IN GENERAL.—On October 1, 2012,
14 and each October 1 thereafter, out of any funds
15 in the Treasury not otherwise appropriated, the
16 Secretary of the Treasury shall transfer to the
17 Secretary to carry out this subsection
18 \$5,000,000, to remain available until expended.

19 “(B) RECEIPT AND ACCEPTANCE.—The
20 Secretary shall be entitled to receive, shall ac-
21 cept, and shall use to carry out this subsection
22 the funds transferred under subparagraph (A),
23 without further appropriation.

24 “(9) AUTHORIZATION OF APPROPRIATIONS.—In
25 addition to the amounts made available under para-

1 graph (8), there are authorized to be appropriated to
2 carry out this subsection such sums as are necessary
3 for each of fiscal years 2011 through 2015.

4 “(h) PILOT PROGRAM FOR HIGH-POVERTY
5 SCHOOLS.—

6 “(1) IN GENERAL.—”; and

7 (3) in subsection (h) (as redesignated by para-
8 graph (2))—

9 (A) in subparagraph (F) of paragraph (1)
10 (as so redesignated), by striking “in accordance
11 with paragraph (1)(H)” and inserting “carried
12 out by the Secretary”; and

13 (B) by redesignating paragraph (4) as
14 paragraph (2).

15 **SEC. 244. RESEARCH ON STRATEGIES TO PROMOTE THE SE-**
16 **LECTION AND CONSUMPTION OF HEALTHY**
17 **FOODS.**

18 (a) IN GENERAL.—The Secretary, in consultation
19 with the Secretary of Health and Human Services, shall
20 establish a research, demonstration, and technical assist-
21 ance program to promote healthy eating and reduce the
22 prevalence of obesity, among all population groups but es-
23 pecially among children, by applying the principles and in-
24 sights of behavioral economics research in schools, child
25 care programs, and other settings.

1 (b) PRIORITIES.—The Secretary shall—

2 (1) identify and assess the impacts of specific
3 presentation, placement, and other strategies for
4 structuring choices on selection and consumption of
5 healthful foods in a variety of settings, consistent
6 with the most recent version of the Dietary Guide-
7 lines for Americans published under section 301 of
8 the National Nutrition Monitoring and Related Re-
9 search Act of 1990 (7 U.S.C. 5341);

10 (2) demonstrate and rigorously evaluate behav-
11 ioral economics-related interventions that hold prom-
12 ise to improve diets and promote health, including
13 through demonstration projects that may include
14 evaluation of the use of portion size, labeling, con-
15 venience, and other strategies to encourage healthy
16 choices; and

17 (3) encourage adoption of the most effective
18 strategies through outreach and technical assistance.

19 (c) AUTHORITY.—In carrying out the program under
20 subsection (a), the Secretary may—

21 (1) enter into competitively awarded contracts
22 or cooperative agreements; or

23 (2) provide grants to States or public or private
24 agencies or organizations, as determined by the Sec-
25 retary.

1 (d) APPLICATION.—To be eligible to enter into a con-
2 tract or cooperative agreement or receive a grant under
3 this section, a State or public or private agency or organi-
4 zation shall submit to the Secretary an application at such
5 time, in such manner, and containing such information as
6 the Secretary may require.

7 (e) COORDINATION.—The solicitation and evaluation
8 of contracts, cooperative agreements, and grant proposals
9 considered under this section shall be coordinated with the
10 Food and Nutrition Service as appropriate to ensure that
11 funded projects are consistent with the operations of Fed-
12 erally supported nutrition assistance programs and related
13 laws (including regulations).

14 (f) ANNUAL REPORTS.—Not later than 90 days after
15 the end of each fiscal year, the Secretary shall submit to
16 the Committee on Agriculture of the House of Representa-
17 tives and the Committee on Agriculture, Nutrition, and
18 Forestry of the Senate a report that includes a description
19 of—

20 (1) the policies, priorities, and operations of the
21 program carried out by the Secretary under this sec-
22 tion during the fiscal year;

23 (2) the results of any evaluations completed
24 during the fiscal year; and

1 (3) the efforts undertaken to disseminate suc-
2 cessful practices through outreach and technical as-
3 sistance.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated to carry out this section such sums as
7 are necessary for each of fiscal years 2011 through
8 2015.

9 (2) USE OF FUNDS.—The Secretary may use
10 up to 5 percent of the funds made available under
11 paragraph (1) for Federal administrative expenses
12 incurred in carrying out this section.

13 **TITLE III—IMPROVING THE MAN-**
14 **AGEMENT AND INTEGRITY OF**
15 **CHILD NUTRITION PRO-**
16 **GRAMS**

17 **Subtitle A—National School Lunch**
18 **Program**

19 **SEC. 301. PRIVACY PROTECTION.**

20 Section 9(d)(1) of the Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1758(d)(1)) is amended—

22 (1) in the first sentence, by inserting “the last
23 4 digits of” before “the social security account num-
24 ber”; and

25 (2) by striking the second sentence.

1 **SEC. 302. APPLICABILITY OF FOOD SAFETY PROGRAM ON**
 2 **ENTIRE SCHOOL CAMPUS.**

3 Section 9(h)(5) of the Richard B. Russell National
 4 School Lunch Act (42 U.S.C. 1758(h)(5)) is amended—

5 (1) by striking “Each school food” and insert-
 6 ing the following:

7 “(A) IN GENERAL.—Each school food”;

8 and

9 (2) by adding at the end the following:

10 “(B) APPLICABILITY.—Subparagraph (A)
 11 shall apply to any facility or part of a facility
 12 in which food is stored, prepared, or served for
 13 the purposes of the school nutrition programs
 14 under this Act or section 4 of the Child Nutri-
 15 tion Act of 1966 (42 U.S.C. 1773).”.

16 **SEC. 303. FINES FOR VIOLATING PROGRAM REQUIRE-**
 17 **MENTS.**

18 Section 22 of the Richard B. Russell National School
 19 Lunch Act (42 U.S.C. 1769e) is amended by adding at
 20 the end the following:

21 “(e) FINES FOR VIOLATING PROGRAM REQUIRE-
 22 MENTS.—

23 “(1) SCHOOL FOOD AUTHORITIES AND
 24 SCHOOLS.—

25 “(A) IN GENERAL.—The Secretary shall
 26 establish criteria by which the Secretary or a

1 State agency may impose a fine against any
2 school food authority or school administering a
3 program authorized under this Act or the Child
4 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)
5 if the Secretary or the State agency determines
6 that the school food authority or school has—

7 “(i) failed to correct severe mis-
8 management of the program;

9 “(ii) disregarded a program require-
10 ment of which the school food authority or
11 school had been informed; or

12 “(iii) failed to correct repeated viola-
13 tions of program requirements.

14 “(B) LIMITS.—

15 “(i) IN GENERAL.—In calculating the
16 fine for a school food authority or school,
17 the Secretary shall base the amount of the
18 fine on the reimbursement earned by
19 school food authority or school for the pro-
20 gram in which the violation occurred.

21 “(ii) AMOUNT.—The amount under
22 clause (i) shall not exceed—

23 “(I) 1 percent of the amount of
24 meal reimbursements earned for the
25 fiscal year for the first finding of 1 or

1 more program violations under sub-
2 paragraph (A);

3 “(II) 5 percent of the amount of
4 meal reimbursements earned for the
5 fiscal year for the second finding of 1
6 or more program violations under sub-
7 paragraph (A); and

8 “(III) 10 percent of the amount
9 of meal reimbursements earned for
10 the fiscal year for the third or subse-
11 quent finding of 1 or more program
12 violations under subparagraph (A).

13 “(2) STATE AGENCIES.—

14 “(A) IN GENERAL.—The Secretary shall
15 establish criteria by which the Secretary may
16 impose a fine against any State agency admin-
17 istering a program authorized under this Act or
18 the Child Nutrition Act of 1966 (42 U.S.C.
19 1771 et seq.) if the Secretary determines that
20 the State agency has—

21 “(i) failed to correct severe mis-
22 management of the program;

23 “(ii) disregarded a program require-
24 ment of which the State had been in-
25 formed; or

1 “(iii) failed to correct repeated viola-
2 tions of program requirements.

3 “(B) LIMITS.—In the case of a State agen-
4 cy, the amount of a fine under subparagraph
5 (A) shall not exceed—

6 “(i) 1 percent of funds made available
7 under section 7(a) of the Child Nutrition
8 Act of 1966 (42 U.S.C. 1776(a)) for State
9 administrative expenses during a fiscal
10 year for the first finding of 1 or more pro-
11 gram violations under subparagraph (A);

12 “(ii) 5 percent of funds made avail-
13 able under section 7(a) of the Child Nutri-
14 tion Act of 1966 (42 U.S.C. 1776(a)) for
15 State administrative expenses during a fis-
16 cal year for the second finding of 1 or
17 more program violations under subpara-
18 graph (A); and

19 “(iii) 10 percent of funds made avail-
20 able under section 7(a) of the Child Nutri-
21 tion Act of 1966 (42 U.S.C. 1776(a)) for
22 State administrative expenses during a fis-
23 cal year for the third or subsequent finding
24 of 1 or more program violations under sub-
25 paragraph (A).

1 “(3) SOURCE OF FUNDING.—Funds to pay a
2 fine imposed under paragraph (1) or (2) shall be de-
3 rived from non-Federal sources.”.

4 **SEC. 304. INDEPENDENT REVIEW OF APPLICATIONS.**

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

8 “(6) ELIGIBILITY DETERMINATION REVIEW FOR
9 SELECTED LOCAL EDUCATIONAL AGENCIES.—

10 “(A) IN GENERAL.—A local educational
11 agency that has demonstrated a high level of, or
12 a high risk for, administrative error associated
13 with certification, verification, and other admin-
14 istrative processes, as determined by the Sec-
15 retary, shall ensure that the initial eligibility de-
16 termination for each application is reviewed for
17 accuracy prior to notifying a household of the
18 eligibility or ineligibility of the household for
19 free or reduced price meals.

20 “(B) TIMELINESS.—The review of initial
21 eligibility determinations—

22 “(i) shall be completed in a timely
23 manner; and

24 “(ii) shall not result in the delay of an
25 eligibility determination for more than 10

1 operating days after the date on which the
2 application is submitted.

3 “(C) ACCEPTABLE TYPES OF REVIEW.—

4 Subject to standards established by the Sec-
5 retary, the system used to review eligibility de-
6 terminations for accuracy shall be conducted by
7 an individual or entity that did not make the
8 initial eligibility determination.

9 “(D) NOTIFICATION OF HOUSEHOLD.—

10 Once the review of an eligibility determination
11 has been completed under this paragraph, the
12 household shall be notified immediately of the
13 determination of eligibility or ineligibility for
14 free or reduced price meals.

15 “(E) REPORTING.—

16 “(i) LOCAL EDUCATIONAL AGEN-
17 CIES.—In accordance with procedures es-
18 tablished by the Secretary, each local edu-
19 cational agency required to review initial
20 eligibility determinations shall submit to
21 the relevant State agency a report describ-
22 ing the results of the reviews, including—

23 “(I) the number and percentage
24 of reviewed applications for which the

1 eligibility determination was changed
2 and the type of change made; and

3 “(II) such other information as
4 the Secretary determines to be nec-
5 essary.

6 “(ii) STATE AGENCIES.—In accord-
7 ance with procedures established by the
8 Secretary, each State agency shall submit
9 to the Secretary a report describing the re-
10 sults of the reviews of initial eligibility de-
11 terminations, including—

12 “(I) the number and percentage
13 of reviewed applications for which the
14 eligibility determination was changed
15 and the type of change made; and

16 “(II) such other information as
17 the Secretary determines to be nec-
18 essary.

19 “(iii) TRANSPARENCY.—The Sec-
20 retary shall publish annually the results of
21 the reviews of initial eligibility determina-
22 tions by State, number, percentage, and
23 type of error.”.

1 **SEC. 305. PROGRAM EVALUATION.**

2 Section 28 of the Richard B. Russell National School
3 Lunch Act (42 U.S.C. 1769i) is amended by adding at
4 the end the following:

5 “(c) COOPERATION WITH PROGRAM RESEARCH AND
6 EVALUATION.—States, State educational agencies, local
7 educational agencies, schools, institutions, facilities, and
8 contractors participating in programs authorized under
9 this Act and the Child Nutrition Act of 1966 (42 U.S.C.
10 1771 et seq.) shall cooperate with officials and contractors
11 acting on behalf of the Secretary, in the conduct of evalua-
12 tions and studies under those Acts.”

13 **SEC. 306. PROFESSIONAL STANDARDS FOR SCHOOL FOOD**
14 **SERVICE.**

15 Section 7 of the Child Nutrition Act of 1966 (42
16 U.S.C. 1776) is amended by striking subsection (g) and
17 inserting the following:

18 “(g) PROFESSIONAL STANDARDS FOR SCHOOL FOOD
19 SERVICE.—

20 “(1) CRITERIA FOR SCHOOL FOOD SERVICE
21 AND STATE AGENCY DIRECTORS.—

22 “(A) SCHOOL FOOD SERVICE DIREC-
23 TORS.—

24 “(i) IN GENERAL.—The Secretary
25 shall establish a program of required edu-
26 cation, training, and certification for all

1 school food service directors responsible for
2 the management of a school food author-
3 ity.

4 “(ii) REQUIREMENTS.—The program
5 shall include—

6 “(I) minimum educational re-
7 quirements necessary to successfully
8 manage the school lunch program es-
9 tablished under the Richard B. Rus-
10 sell National School Lunch Act (42
11 U.S.C. 1751 et seq.) and the school
12 breakfast program established by sec-
13 tion 4 of this Act;

14 “(II) minimum program training
15 and certification criteria for school
16 food service directors; and

17 “(III) minimum periodic training
18 criteria to maintain school food serv-
19 ice director certification.

20 “(B) SCHOOL NUTRITION STATE AGENCY
21 DIRECTORS.—The Secretary shall establish cri-
22 teria and standards for States to use in the se-
23 lection of State agency directors with responsi-
24 bility for the school lunch program established
25 under the Richard B. Russell National School

1 Lunch Act (42 U.S.C. 1751 et seq.) and the
2 school breakfast program established by section
3 4 of this Act.

4 “(C) TRAINING PROGRAM PARTNERSHIP.—
5 The Secretary may provide financial and other
6 assistance to 1 or more professional food service
7 management organizations—

8 “(i) to establish and manage the pro-
9 gram under this paragraph; and

10 “(ii) to develop voluntary training and
11 certification programs for other school food
12 service workers.

13 “(D) REQUIRED DATE OF COMPLIANCE.—

14 “(i) SCHOOL FOOD SERVICE DIREC-
15 TORS.—The Secretary shall establish a
16 date by which all school food service direc-
17 tors whose local educational agencies are
18 participating in the school lunch program
19 established under the Richard B. Russell
20 National School Lunch Act (42 U.S.C.
21 1751 et seq.) and the school breakfast pro-
22 gram established by section 4 of this Act
23 shall be required to comply with the edu-
24 cation, training, and certification criteria

1 established in accordance with subpara-
2 graph (A).

3 “(ii) SCHOOL NUTRITION STATE
4 AGENCY DIRECTORS.—The Secretary shall
5 establish a date by which all State agencies
6 shall be required to comply with criteria
7 and standards established in accordance
8 with subparagraph (B) for the selection of
9 State agency directors with responsibility
10 for the school lunch program established
11 under the Richard B. Russell National
12 School Lunch Act (42 U.S.C. 1751 et seq.)
13 and the school breakfast program estab-
14 lished by section 4 of this Act.

15 “(2) TRAINING AND CERTIFICATION OF FOOD
16 SERVICE PERSONNEL.—

17 “(A) TRAINING FOR INDIVIDUALS CON-
18 DUCTING OR OVERSEEING ADMINISTRATIVE
19 PROCEDURES.—

20 “(i) IN GENERAL.—At least annually,
21 each State shall provide training in admin-
22 istrative practices (including training in
23 application, certification, verification, meal
24 counting, and meal claiming procedures) to
25 local educational agency and school food

1 authority personnel and other appropriate
2 personnel.

3 “(ii) FEDERAL ROLE.—The Secretary
4 shall—

5 “(I) provide training and tech-
6 nical assistance described in clause (i)
7 to the State; or

8 “(II) at the option of the Sec-
9 retary, directly provide training and
10 technical assistance described in
11 clause (i).

12 “(iii) REQUIRED PARTICIPATION.—In
13 accordance with procedures established by
14 the Secretary, each local educational agen-
15 cy or school food authority shall ensure
16 that an individual conducting or overseeing
17 administrative procedures described in
18 clause (i) receives training at least annu-
19 ally, unless determined otherwise by the
20 Secretary.

21 “(B) TRAINING AND CERTIFICATION OF
22 ALL LOCAL FOOD SERVICE PERSONNEL.—

23 “(i) IN GENERAL.—The Secretary
24 shall provide training designed to im-
25 prove—

1 “(I) the accuracy of approvals for
2 free and reduced price meals; and

3 “(II) the identification of reim-
4 bursable meals at the point of service.

5 “(ii) CERTIFICATION OF LOCAL PER-
6 SONNEL.—In accordance with criteria es-
7 tablished by the Secretary, local food serv-
8 ice personnel shall complete annual train-
9 ing and receive annual certification—

10 “(I) to ensure program compli-
11 ance and integrity; and

12 “(II) to demonstrate competence
13 in the training provided under clause
14 (i).

15 “(iii) TRAINING MODULES.—A train-
16 ing program carried out under this sub-
17 paragraph shall include training modules
18 on—

19 “(I) nutrition;

20 “(II) health and food safety
21 standards and methodologies; and

22 “(III) any other appropriate top-
23 ics, as determined by the Secretary.

24 “(3) FUNDING.—

1 “(A) IN GENERAL.—Out of any funds in
2 the Treasury not otherwise appropriated, the
3 Secretary of the Treasury shall transfer to the
4 Secretary to carry out this subsection, to re-
5 main available until expended—

6 “(i) on October 1, 2010, \$5,000,000;

7 and

8 “(ii) on each October 1 thereafter,
9 \$1,000,000.

10 “(B) RECEIPT AND ACCEPTANCE.—The
11 Secretary shall be entitled to receive, shall ac-
12 cept, and shall use to carry out this subsection
13 the funds transferred under subparagraph (A),
14 without further appropriation.”.

15 **SEC. 307. INDIRECT COSTS.**

16 (a) GUIDANCE ON INDIRECT COSTS RULES.—Not
17 later than 180 days after the date of enactment of this
18 Act, the Secretary shall issue guidance to school food au-
19 thorities participating in the school lunch program estab-
20 lished under the Richard B. Russell National School
21 Lunch Act (42 U.S.C. 1751 et seq.) and the school break-
22 fast program established by section 4 of the Child Nutri-
23 tion Act of 1966 (42 U.S.C. 1773) covering program rules
24 pertaining to indirect costs, including allowable indirect

1 costs that may be charged to the nonprofit school food
2 service account.

3 (b) INDIRECT COST STUDY.—The Secretary shall—

4 (1) conduct a study to assess the extent to
5 which school food authorities participating in the
6 school lunch program established under the Richard
7 B. Russell National School Lunch Act (42 U.S.C.
8 1751 et seq.) and the school breakfast program es-
9 tablished by section 4 of the Child Nutrition Act of
10 1966 (42 U.S.C. 1773) pay indirect costs, including
11 assessments of—

12 (A) the allocation of indirect costs to, and
13 the methodologies used to establish indirect cost
14 rates for, school food authorities participating
15 in the school lunch program established under
16 the Richard B. Russell National School Lunch
17 Act (42 U.S.C. 1751 et seq.) and the school
18 breakfast program established by section 4 of
19 the Child Nutrition Act of 1966 (42 U.S.C.
20 1773);

21 (B) the impact of indirect costs charged to
22 the nonprofit school food service account;

23 (C) the types and amounts of indirect costs
24 charged and recovered by school districts;

1 (D) whether the indirect costs charged or
2 recovered are consistent with requirements for
3 the allocation of indirect costs and school food
4 service operations; and

5 (E) the types and amounts of indirect
6 costs that could be charged or recovered under
7 requirements for the allocation of indirect costs
8 and school food service operations but are not
9 charged or recovered; and

10 (2) after completing the study required under
11 paragraph (1), issue additional guidance relating to
12 the types of costs that are reasonable and necessary
13 to provide meals under the Richard B. Russell Na-
14 tional School Lunch Act (42 U.S.C. 1751 et seq.)
15 and the Child Nutrition Act of 1966 (42 U.S.C.
16 1771 et seq.).

17 (c) REGULATIONS.—After conducting the study
18 under subsection (b)(1) and identifying costs under sub-
19 section (b)(2), the Secretary may promulgate regulations
20 to address—

21 (1) any identified deficiencies in the allocation
22 of indirect costs; and

23 (2) the authority of school food authorities to
24 reimburse only those costs identified by the Sec-

1 retary as reasonable and necessary under subsection
2 (b)(2).

3 (d) REPORT.—Not later than October 1, 2013, the
4 Secretary shall submit to the Committee on Education and
5 Labor of the House of Representatives and the Committee
6 on Agriculture, Nutrition, and Forestry of the Senate a
7 report that describes the results of the study under sub-
8 section (b).

9 (e) FUNDING.—

10 (1) IN GENERAL.—On October 1, 2010, out of
11 any funds in the Treasury not otherwise appro-
12 priated, the Secretary of the Treasury shall transfer
13 to the Secretary to carry out this section
14 \$2,000,000, to remain available until expended.

15 (2) RECEIPT AND ACCEPTANCE.—The Sec-
16 retary shall be entitled to receive, shall accept, and
17 shall use to carry out this section the funds trans-
18 ferred under paragraph (1), without further appro-
19 priation.

20 **SEC. 308. ENSURING SAFETY OF SCHOOL MEALS.**

21 The Richard B. Russell National School Lunch Act
22 is amended by after section 28 (42 U.S.C. 1769i) the fol-
23 lowing:

1 **“SEC. 29. ENSURING SAFETY OF SCHOOL MEALS.**

2 “(a) FOOD AND NUTRITION SERVICE.—Not later
3 than 1 year after the date of enactment of the Healthy,
4 Hunger-Free Kids Act of 2010, the Secretary, acting
5 through the Administrator of the Food and Nutrition
6 Service, shall—

7 “(1) in consultation with the Administrator of
8 the Agricultural Marketing Service and the Adminis-
9 trator of the Farm Service Agency, develop guide-
10 lines to determine the circumstances under which it
11 is appropriate for the Secretary to institute an ad-
12 ministrative hold on suspect foods purchased by the
13 Secretary that are being used in school meal pro-
14 grams under this Act and the Child Nutrition Act
15 of 1966 (42 U.S.C. 1771 et seq.);

16 “(2) work with States to explore ways for the
17 States to increase the timeliness of notification of
18 food recalls to schools and school food authorities;

19 “(3) improve the timeliness and completeness of
20 direct communication between the Food and Nutri-
21 tion Service and States about holds and recalls, such
22 as through the commodity alert system of the Food
23 and Nutrition Service; and

24 “(4) establish a timeframe to improve the com-
25 modity hold and recall procedures of the Department
26 of Agriculture to address the role of processors and

1 determine the involvement of distributors with pro-
 2 cessed products that may contain recalled ingredients,
 3 to facilitate the provision of more timely and com-
 4 plete information to schools.

5 “(b) FOOD SAFETY AND INSPECTION SERVICE.—Not
 6 later than 1 year after the date of enactment of the
 7 Healthy, Hunger-Free Kids Act of 2010, the Secretary,
 8 acting through the Administrator of the Food Safety and
 9 Inspection Service, shall revise the procedures of the Food
 10 Safety and Inspection Service to ensure that schools are
 11 included in effectiveness checks.”

12 **Subtitle B—Summer Food Service** 13 **Program**

14 **SEC. 321. SUMMER FOOD SERVICE PROGRAM PERMANENT** 15 **OPERATING AGREEMENTS.**

16 Section 13(b) of the Richard B. Russell National
 17 School Lunch Act (42 U.S.C. 1761(b)) is amended by
 18 striking paragraph (3) and inserting the following:

19 “(3) PERMANENT OPERATING AGREEMENTS
 20 AND BUDGET FOR ADMINISTRATIVE COSTS.—

21 “(A) PERMANENT OPERATING AGREE-
 22 MENTS.—

23 “(i) IN GENERAL.—Subject to clauses
 24 (ii) and (iii), to participate in the program,
 25 a service institution that meets the condi-

1 tions of eligibility described in this section
2 and in regulations promulgated by the Sec-
3 retary, shall be required to enter into a
4 permanent agreement with the applicable
5 State agency.

6 “(ii) AMENDMENTS.—A permanent
7 agreement described in clause (i) may be
8 amended as necessary to ensure that the
9 service institution is in compliance with all
10 requirements established in this section or
11 by the Secretary.

12 “(iii) TERMINATION.—A permanent
13 agreement described in clause (i)—

14 “(I) may be terminated for con-
15 venience by the service institution and
16 State agency that is a party to the
17 permanent agreement; and

18 “(II) shall be terminated—

19 “(aa) for cause by the appli-
20 cable State agency in accordance
21 with subsection (q) and with reg-
22 ulations promulgated by the Sec-
23 retary; or

1 “(bb) on termination of par-
2 ticipation of the service institu-
3 tion in the program.

4 “(B) BUDGET FOR ADMINISTRATIVE
5 COSTS.—

6 “(i) IN GENERAL.—When applying for
7 participation in the program, and not less
8 frequently than annually thereafter, each
9 service institution shall submit a complete
10 budget for administrative costs related to
11 the program, which shall be subject to ap-
12 proval by the State.

13 “(ii) AMOUNT.—Payment to service
14 institutions for administrative costs shall
15 equal the levels determined by the Sec-
16 retary pursuant to the study required in
17 paragraph (4).”.

18 **SEC. 322. SUMMER FOOD SERVICE PROGRAM DISQUALI-**
19 **FICATION.**

20 Section 13 of the Richard B. Russell National School
21 Lunch Act (42 U.S.C. 1761) is amended—

22 (1) by redesignating subsection (q) as sub-
23 section (r); and

24 (2) by inserting after subsection (p) the fol-
25 lowing:

1 “(q) TERMINATION AND DISQUALIFICATION OF PAR-
2 PARTICIPATING ORGANIZATIONS.—

3 “(1) IN GENERAL.—Each State agency shall
4 follow the procedures established by the Secretary
5 for the termination of participation of institutions
6 under the program.

7 “(2) FAIR HEARING.—The procedures described
8 in paragraph (1) shall include provision for a fair
9 hearing and prompt determination for any service
10 institution aggrieved by any action of the State
11 agency that affects—

12 “(A) the participation of the service insti-
13 tution in the program; or

14 “(B) the claim of the service institution for
15 reimbursement under this section.

16 “(3) LIST OF DISQUALIFIED INSTITUTIONS AND
17 INDIVIDUALS.—

18 “(A) IN GENERAL.—The Secretary shall
19 maintain a list of service institutions and indi-
20 viduals that have been terminated or otherwise
21 disqualified from participation in the program
22 under the procedures established pursuant to
23 paragraph (1).

24 “(B) AVAILABILITY.—The Secretary shall
25 make the list available to States for use in ap-

1 proving or renewing applications by service in-
2 stitutions for participation in the program.”.

3 **Subtitle C—Child and Adult Care**
4 **Food Program**

5 **SEC. 331. RENEWAL OF APPLICATION MATERIALS AND PER-**
6 **MANENT OPERATING AGREEMENTS.**

7 (a) PERMANENT OPERATING AGREEMENTS.—Sec-
8 tion 17(d)(1) of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1766(d)(1)) is amended by adding
10 at the end the following:

11 “(E) PERMANENT OPERATING AGREE-
12 MENTS.—

13 “(i) IN GENERAL.—Subject to clauses
14 (ii) and (iii), to participate in the child and
15 adult care food program, an institution
16 that meets the conditions of eligibility de-
17 scribed in this subsection shall be required
18 to enter into a permanent agreement with
19 the applicable State agency.

20 “(ii) AMENDMENTS.—A permanent
21 agreement described in clause (i) may be
22 amended as necessary to ensure that the
23 institution is in compliance with all re-
24 quirements established in this section or by
25 the Secretary.

1 “(iii) TERMINATION.—A permanent
2 agreement described in clause (i)—

3 “(I) may be terminated for con-
4 venience by the institution or State
5 agency that is a party to the perma-
6 nent agreement; and

7 “(II) shall be terminated—

8 “(aa) for cause by the appli-
9 cable State agency in accordance
10 with paragraph (5); or

11 “(bb) on termination of par-
12 ticipation of the institution in the
13 child and adult care food pro-
14 gram.”.

15 (b) APPLICATIONS AND REVIEWS.—Section 17(d) of
16 the Richard B. Russell National School Lunch Act (42
17 U.S.C. 1766(d)) is amended by striking paragraph (2) and
18 inserting the following:

19 “(2) PROGRAM APPLICATIONS.—

20 “(A) IN GENERAL.—The Secretary shall
21 develop a policy under which each institution
22 providing child care that participates in the
23 program under this section shall—

24 “(i) submit to the State agency an ini-
25 tial application to participate in the pro-

1 gram that meets all requirements estab-
2 lished by the Secretary by regulation;

3 “(ii) annually confirm to the State
4 agency that the institution, and any facili-
5 ties of the institution in which the program
6 is operated by a sponsoring organization, is
7 in compliance with subsection (a)(5); and

8 “(iii) annually submit to the State
9 agency any additional information nec-
10 essary to confirm that the institution is in
11 compliance with all other requirements to
12 participate in the program, as established
13 in this Act and by the Secretary by regula-
14 tion.

15 “(B) REQUIRED REVIEWS OF SPONSORED
16 FACILITIES.—

17 “(i) IN GENERAL.—The Secretary
18 shall develop a policy under which each
19 sponsoring organization participating in
20 the program under this section shall con-
21 duct—

22 “(I) periodic unannounced site
23 visits at not less than 3-year intervals
24 to sponsored child and adult care cen-
25 ters and family or group day care

1 homes to identify and prevent man-
2 agement deficiencies and fraud and
3 abuse under the program; and

4 “(II) at least 1 scheduled site
5 visit each year to sponsored child and
6 adult care centers and family or group
7 day care homes to identify and pre-
8 vent management deficiencies and
9 fraud and abuse under the program
10 and to improve program operations.

11 “(ii) VARIED TIMING.—Sponsoring or-
12 ganizations shall vary the timing of unan-
13 nounced reviews under clause (i)(I) in a
14 manner that makes the reviews unpredict-
15 able to sponsored facilities.

16 “(C) REQUIRED REVIEWS OF INSTITU-
17 TIONS.—The Secretary shall develop a policy
18 under which each State agency shall conduct—

19 “(i) at least 1 scheduled site visit at
20 not less than 3-year intervals to each insti-
21 tution under the State agency participating
22 in the program under this section—

23 “(I) to identify and prevent man-
24 agement deficiencies and fraud and
25 abuse under the program; and

1 “(II) to improve program oper-
2 ations; and

3 “(ii) more frequent reviews of any in-
4 stitution that—

5 “(I) sponsors a significant share
6 of the facilities participating in the
7 program;

8 “(II) conducts activities other
9 than the program authorized under
10 this section;

11 “(III) has serious management
12 problems, as identified in a prior re-
13 view, or is at risk of having serious
14 management problems; or

15 “(IV) meets such other criteria
16 as are defined by the Secretary.

17 “(D) DETECTION AND DETERRENCE OF
18 ERRONEOUS PAYMENTS AND FALSE CLAIMS.—

19 “(i) IN GENERAL.—The Secretary
20 may develop a policy to detect and deter,
21 and recover erroneous payments to, and
22 false claims submitted by, institutions,
23 sponsored child and adult care centers, and
24 family or group day care homes partici-
25 pating in the program under this section.

1 “(ii) BLOCK CLAIMS.—

2 “(I) DEFINITION OF BLOCK
3 CLAIM.—In this clause, the term
4 ‘block claim’ has the meaning given
5 the term in section 226.2 of title 7,
6 Code of Federal Regulations (or suc-
7 cessor regulations).

8 “(II) PROGRAM EDIT CHECKS.—
9 The Secretary may not require any
10 State agency, sponsoring organization,
11 or other institution to perform edit
12 checks or on-site reviews relating to
13 the detection of block claims by any
14 child care facility.

15 “(III) ALLOWANCE.—Notwith-
16 standing subclause (II), the Secretary
17 may require any State agency, spon-
18 soring organization, or other institu-
19 tion to collect, store, and transmit to
20 the appropriate entity information
21 necessary to develop any other policy
22 developed under clause (i).”

23 (c) AGREEMENTS.—Section 17(j)(1) of the Richard
24 B. Russell National School Lunch Act (42 U.S.C.
25 1766(j)(1)) is amended—

- 1 (1) by striking “may” and inserting “shall”;
- 2 (2) by striking “family or group day care” the
- 3 first place it appears; and
- 4 (3) by inserting “or sponsored day care cen-
- 5 ters” before “participating”.

6 **SEC. 332. STATE LIABILITY FOR PAYMENTS TO AGGRIEVED**

7 **CHILD CARE INSTITUTIONS.**

8 Section 17(e) of the Richard B. Russell National

9 School Lunch Act (42 U.S.C. 1766(e)) is amended—

- 10 (1) in paragraph (3), by striking “(3) If a
- 11 State” and inserting the following:

12 “(5) SECRETARIAL HEARING.—If a State”; and

- 13 (2) by striking “(e) Except as provided” and all
- 14 that follows through “(2) A State” and inserting the
- 15 following:

16 “(e) HEARINGS.—

- 17 “(1) IN GENERAL.—Except as provided in para-
- 18 graph (4), each State agency shall provide, in ac-
- 19 cordance with regulations promulgated by the Sec-
- 20 retary, an opportunity for a fair hearing and a
- 21 prompt determination to any institution aggrieved
- 22 by any action of the State agency that affects—

23 “(A) the participation of the institution in

24 the program authorized by this section; or

1 “(B) the claim of the institution for reim-
2 bursement under this section.

3 “(2) REIMBURSEMENT.—In accordance with
4 paragraph (3), a State agency that fails to meet
5 timeframes for providing an opportunity for a fair
6 hearing and a prompt determination to any institu-
7 tion under paragraph (1) in accordance with regula-
8 tions promulgated by the Secretary, shall pay, from
9 non-Federal sources, all valid claims for reimburse-
10 ment to the institution and the facilities of the insti-
11 tution during the period beginning on the day after
12 the end of any regulatory deadline for providing the
13 opportunity and making the determination and end-
14 ing on the date on which a hearing determination is
15 made.

16 “(3) NOTICE TO STATE AGENCY.—The Sec-
17 retary shall provide written notice to a State agency
18 at least 30 days prior to imposing any liability for
19 reimbursement under paragraph (2).

20 “(4) FEDERAL AUDIT DETERMINATION.—A
21 State”.

1 **SEC. 333. TRANSMISSION OF INCOME INFORMATION BY**
2 **SPONSORED FAMILY OR GROUP DAY CARE**
3 **HOMES.**

4 Section 17(f)(3)(A)(iii)(III) of the Richard B. Russell
5 National School Lunch Act (42 U.S.C.
6 1766(f)(3)(A)(iii)(III)) is amended by adding at the end
7 the following:

8 “(dd) TRANSMISSION OF IN-
9 COME INFORMATION BY SPON-
10 SORED FAMILY OR GROUP DAY
11 CARE HOMES.—If a family or
12 group day care home elects to be
13 provided reimbursement factors
14 described in subclause (II), the
15 family or group day care home
16 may assist in the transmission of
17 necessary household income in-
18 formation to the family or group
19 day care home sponsoring organi-
20 zation in accordance with the pol-
21 icy described in item (ee) .

22 “(ee) POLICY.—The Sec-
23 retary shall develop a policy
24 under which a sponsored family
25 or group day care home described
26 in item (dd) may, under terms

1 and conditions specified by the
2 Secretary and with the written
3 consent of the parents or guard-
4 ians of a child in a family or
5 group day care home partici-
6 pating in the program, assist in
7 the transmission of the income
8 information of the family to the
9 family or group day care home
10 sponsoring organization.”.

11 **SEC. 334. SIMPLIFYING AND ENHANCING ADMINISTRATIVE**
12 **PAYMENTS TO SPONSORING ORGANIZATIONS.**

13 Section 17(f)(3) of the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1766(f)(3)) is amended by
15 striking subparagraph (B) and inserting the following:

16 “(B) ADMINISTRATIVE FUNDS.—

17 “(i) IN GENERAL.—In addition to re-
18 imbursement factors described in subpara-
19 graph (A), a family or group day care
20 home sponsoring organization shall receive
21 reimbursement for the administrative ex-
22 penses of the sponsoring organization in an
23 amount that is not less than the product
24 obtained each month by multiplying—

1 “(I) the number of family and
2 group day care homes of the spon-
3 soring organization submitting a claim
4 for reimbursement during the month;
5 by

6 “(II) the appropriate administra-
7 tive rate determined by the Secretary.

8 “(ii) ANNUAL ADJUSTMENT.—The ad-
9 ministrative reimbursement levels specified
10 in clause (i) shall be adjusted July 1 of
11 each year to reflect changes in the Con-
12 sumer Price Index for All Urban Con-
13 sumers published by the Bureau of Labor
14 Statistics of the Department of Labor for
15 the most recent 12-month period for which
16 such data are available.

17 “(iii) CARRYOVER FUNDS.—The Sec-
18 retary shall develop procedures under
19 which not more than 10 percent of the
20 amount made available to sponsoring orga-
21 nizations under this section for administra-
22 tive expenses for a fiscal year may remain
23 available for obligation or expenditure in
24 the succeeding fiscal year.

1 “(iv) RETURN TO SECRETARY.—Any
 2 amounts appropriated that are not obli-
 3 gated or expended during a fiscal year and
 4 are not carried over for the succeeding fis-
 5 cal year under clause (iii) shall be returned
 6 to the Secretary.”.

7 **SEC. 335. CHILD AND ADULT CARE FOOD PROGRAM AUDIT**
 8 **FUNDING.**

9 Section 17(i) of the Richard B. Russell National
 10 School Lunch Act (42 U.S.C. 1766(i)) is amended by
 11 striking paragraph (2) and inserting the following:

12 “(2) FUNDING.—

13 “(A) IN GENERAL.—The Secretary shall
 14 make available for each fiscal year to each
 15 State agency administering the child and adult
 16 care food program, for the purpose of con-
 17 ducting audits of participating institutions, an
 18 amount of up to 1.5 percent of the funds used
 19 by each State in the program under this sec-
 20 tion, during the second preceding fiscal year.

21 “(B) ADDITIONAL FUNDING.—

22 “(i) IN GENERAL.—Subject to clause
 23 (ii), for fiscal year 2016 and each fiscal
 24 year thereafter, the Secretary may increase
 25 the amount of funds made available to any

1 State agency under subparagraph (A), if
2 the State agency demonstrates that the
3 State agency can effectively use the funds
4 to improve program management under
5 criteria established by the Secretary.

6 “(ii) LIMITATION.—The total amount
7 of funds made available to any State agen-
8 cy under this paragraph shall not exceed 2
9 percent of the funds used by each State
10 agency in the program under this section,
11 during the second preceding fiscal year.”.

12 **SEC. 336. REDUCING PAPERWORK AND IMPROVING PRO-**
13 **GRAM ADMINISTRATION.**

14 (a) DEFINITION OF PROGRAM.—In this section, the
15 term “program” means the child and adult care food pro-
16 gram established under section 17 of the Richard B. Rus-
17 sell National School Lunch Act (42 U.S.C. 1766).

18 (b) ESTABLISHMENT.—The Secretary, in conjunction
19 with States and participating institutions, shall continue
20 to examine the feasibility of reducing unnecessary or du-
21 plicative paperwork resulting from regulations and record-
22 keeping requirements for State agencies, institutions, fam-
23 ily and group day care homes, and sponsored centers par-
24 ticipating in the program.

1 (c) DUTIES.—At a minimum, the examination shall
2 include—

3 (1) review and evaluation of the recommenda-
4 tions, guidance, and regulatory priorities developed
5 and issued to comply with section 119(i) of the Child
6 Nutrition and WIC Reauthorization Act of 2004 (42
7 U.S.C. 1766 note; Public Law 108–265); and

8 (2) examination of additional paperwork and
9 administrative requirements that have been estab-
10 lished since February 23, 2007, that could be re-
11 duced or simplified.

12 (d) ADDITIONAL DUTIES.—The Secretary, in con-
13 junction with States and institutions participating in the
14 program, may also examine any aspect of administration
15 of the program.

16 (e) REPORT.—Not later than 4 years after the date
17 of enactment of this Act, the Secretary shall submit to
18 Congress a report that describes the actions that have
19 been taken to carry out this section, including—

20 (1) actions taken to address administrative and
21 paperwork burdens identified as a result of compli-
22 ance with section 119(i) of the Child Nutrition and
23 WIC Reauthorization Act of 2004 (42 U.S.C. 1766
24 note; Public Law 108–265);

1 (2) administrative and paperwork burdens iden-
2 tified as a result of compliance with section 119(i)
3 of that Act for which no regulatory action or policy
4 guidance has been taken;

5 (3) additional steps that the Secretary is taking
6 or plans to take to address any administrative and
7 paperwork burdens identified under subsection (c)(2)
8 and paragraph (2), including—

9 (A) new or updated regulations, policy,
10 guidance, or technical assistance; and

11 (B) a timeframe for the completion of
12 those steps; and

13 (4) recommendations to Congress for modifica-
14 tions to existing statutory authorities needed to ad-
15 dress identified administrative and paperwork bur-
16 dens.

17 **SEC. 337. STUDY RELATING TO THE CHILD AND ADULT**
18 **CARE FOOD PROGRAM.**

19 (a) **STUDY.**—The Secretary, acting through the Ad-
20 ministrators of the Food and Nutrition Service, shall carry
21 out a study of States participating in an afterschool sup-
22 per program under the child and adult care food program
23 established under section 17 of the Richard B. Russell Na-
24 tional School Lunch Act (42 U.S.C. 1766).

1 (b) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Secretary shall submit to
3 Congress, and made available on the website of the Food
4 and Nutrition Service, a report that describes—

5 (1) the results of the study;

6 (2) best practices of States in soliciting spon-
7 sors for an afterschool supper program described in
8 subsection (a); and

9 (3) any Federal or State laws or requirements
10 that may be a barrier to participation in the pro-
11 gram.

12 **Subtitle D—Special Supplemental**
13 **Nutrition Program for Women,**
14 **Infants, and Children**

15 **SEC. 351. SHARING OF MATERIALS WITH OTHER PRO-**
16 **GRAMS.**

17 Section 17(e)(3) of the Child Nutrition Act (42
18 U.S.C. 1786(e)(3)) is amended by striking subparagraph
19 (B) and inserting the following:

20 “(B) SHARING OF MATERIALS WITH
21 OTHER PROGRAMS.—

22 “(i) COMMODITY SUPPLEMENTAL
23 FOOD PROGRAM.—The Secretary may pro-
24 vide, in bulk quantity, nutrition education
25 materials (including materials promoting

1 breastfeeding) developed with funds made
2 available for the program authorized under
3 this section to State agencies administering
4 the commodity supplemental food program
5 established under section 5 of the Agri-
6 culture and Consumer Protection Act of
7 1973 (7 U.S.C. 612c note; Public Law 93-
8 86) at no cost to that program.

9 “(ii) CHILD AND ADULT CARE FOOD
10 PROGRAM.—A State agency may allow the
11 local agencies or clinics under the State
12 agency to share nutrition educational ma-
13 terials with institutions participating in the
14 child and adult care food program estab-
15 lished under section 17 of the Richard B.
16 Russell National School Lunch Act (42
17 U.S.C. 1766) at no cost to that program,
18 if a written materials sharing agreement
19 exists between the relevant agencies.”.

20 **SEC. 352. WIC PROGRAM MANAGEMENT.**

21 (a) WIC EVALUATION FUNDS.—Section 17(g)(5) of
22 the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5))
23 is amended by striking “\$5,000,000” and inserting
24 “\$15,000,000”.

1 (b) WIC REBATE PAYMENTS.—Section 17(h)(8) of
2 the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8))
3 is amended by adding at the end the following:

4 “(K) REPORTING.—Effective beginning
5 October 1, 2011, each State agency shall report
6 rebate payments received from manufacturers
7 in the month in which the payments are re-
8 ceived, rather than in the month in which the
9 payments were earned.”.

10 (c) COST CONTAINMENT MEASURE.—Section 17(h)
11 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h))
12 is amended—

13 (1) in paragraph (8)(A)(iv)(III), by striking
14 “Any” and inserting “Except as provided in para-
15 graph (9)(B)(i)(II), any”; and

16 (2) by striking paragraph (9) and inserting the
17 following:

18 “(9) COST CONTAINMENT MEASURE.—

19 “(A) DEFINITION OF COST CONTAINMENT
20 MEASURE.—In this subsection, the term ‘cost
21 containment measure’ means a competitive bid-
22 ding, rebate, direct distribution, or home deliv-
23 ery system implemented by a State agency as
24 described in the approved State plan of oper-
25 ation and administration of the State agency.

1 “(B) SOLICITATION AND REBATE BILLING
2 REQUIREMENTS.—Any State agency instituting
3 a cost containment measure for any authorized
4 food, including infant formula, shall—

5 “(i) in the bid solicitation—

6 “(I) identify the composition of
7 State alliances for the purposes of a
8 cost containment measure; and

9 “(II) verify that no additional
10 States shall be added to the State alli-
11 ance between the date of the bid solie-
12 itation and the end of the contract;

13 “(ii) have a system to ensure that re-
14 bate invoices under competitive bidding
15 provide a reasonable estimate or an actual
16 count of the number of units sold to par-
17 ticipants in the program under this sec-
18 tion;

19 “(iii) open and read aloud all bids at
20 a public proceeding on the day on which
21 the bids are due; and

22 “(iv) unless otherwise exempted by
23 the Secretary, provide a minimum of 30
24 days between the publication of the solici-

1 tation and the date on which the bids are
2 due.

3 “(C) STATE ALLIANCES FOR AUTHORIZED
4 FOODS OTHER THAN INFANT FORMULA.—Pro-
5 gram requirements relating to the size of State
6 alliances under paragraph (8)(A)(iv) shall apply
7 to cost containment measures established for
8 any authorized food under this section.”.

9 (d) ELECTRONIC BENEFIT TRANSFER.—Section
10 17(h) of the Child Nutrition Act of 1966 (42 U.S.C.
11 1786(h)) is amended by striking paragraph (12) and in-
12 serting the following:

13 “(12) ELECTRONIC BENEFIT TRANSFER.—

14 “(A) DEFINITIONS.—In this paragraph:

15 “(i) ELECTRONIC BENEFIT TRANS-
16 FER.—The term ‘electronic benefit trans-
17 fer’ means a food delivery system that pro-
18 vides benefits using a card or other access
19 device approved by the Secretary that per-
20 mits electronic access to program benefits.

21 “(ii) PROGRAM.—The term ‘program’
22 means the special supplemental nutrition
23 program established by this section.

24 “(B) REQUIREMENTS.—

1 “(i) IN GENERAL.—Not later than Oc-
2 tober 1, 2020, each State agency shall be
3 required to implement electronic benefit
4 transfer systems throughout the State, un-
5 less the Secretary grants an exemption
6 under subparagraph (C) for a State agency
7 that is facing unusual barriers to imple-
8 ment an electronic benefit transfer system.

9 “(ii) RESPONSIBILITY.—The State
10 agency shall be responsible for the coordi-
11 nation and management of the electronic
12 benefit transfer system of the agency.

13 “(C) EXEMPTIONS.—

14 “(i) IN GENERAL.—To be eligible for
15 an exemption from the statewide imple-
16 mentation requirements of subparagraph
17 (B)(i), a State agency shall demonstrate to
18 the satisfaction of the Secretary 1 or more
19 of the following:

20 “(I) There are unusual techno-
21 logical barriers to implementation.

22 “(II) Operational costs are not
23 affordable within the nutrition serv-
24 ices and administration grant of the
25 State agency.

1 “(III) It is in the best interest of
2 the program to grant the exemption.

3 “(ii) SPECIFIC DATE.—A State agency
4 requesting an exemption under clause (i)
5 shall specify a date by which the State
6 agency anticipates statewide implementa-
7 tion described in subparagraph (B)(i).

8 “(D) REPORTING.—

9 “(i) IN GENERAL.—Each State agency
10 shall submit to the Secretary electronic
11 benefit transfer project status reports to
12 demonstrate the progress of the State to-
13 ward statewide implementation.

14 “(ii) CONSULTATION.—If a State
15 agency plans to incorporate additional pro-
16 grams in the electronic benefit transfer
17 system of the State, the State agency shall
18 consult with the State agency officials re-
19 sponsible for administering the programs
20 prior to submitting the planning docu-
21 ments to the Secretary for approval.

22 “(iii) REQUIREMENTS.—At a min-
23 imum, a status report submitted under
24 clause (i) shall contain—

1 “(I) an annual outline of the
2 electronic benefit transfer implemen-
3 tation goals and objectives of the
4 State;

5 “(II) appropriate updates in ac-
6 cordance with approval requirements
7 for active electronic benefit transfer
8 State agencies; and

9 “(III) such other information as
10 the Secretary may require.

11 “(E) IMPOSITION OF COSTS ON VEN-
12 DORS.—

13 “(i) COST PROHIBITION.—Except as
14 otherwise provided in this paragraph, the
15 Secretary may not impose, or allow a State
16 agency to impose, the costs of any equip-
17 ment or system required for electronic ben-
18 efit transfers on any authorized vendor in
19 order to transact electronic benefit trans-
20 fers if the vendor equipment or system is
21 used solely to support the program.

22 “(ii) COST-SHARING.—The Secretary
23 shall establish criteria for cost-sharing by
24 State agencies and vendors of costs associ-
25 ated with any equipment or system that is

1 not solely dedicated to transacting elec-
2 tronic benefit transfers for the program.

3 “(iii) FEES.—

4 “(I) IN GENERAL.—A vendor
5 that elects to accept electronic benefit
6 transfers using multifunction equip-
7 ment shall pay commercial transaction
8 processing costs and fees imposed by
9 a third-party processor that the ven-
10 dor elects to use to connect to the
11 electronic benefit transfer system of
12 the State.

13 “(II) INTERCHANGE FEES.—No
14 interchange fees shall apply to elec-
15 tronic benefit transfer transactions
16 under this paragraph.

17 “(iv) STATEWIDE OPERATIONS.—
18 After completion of statewide expansion of
19 a system for transaction of electronic ben-
20 efit transfers—

21 “(I) a State agency may not be
22 required to incur ongoing mainte-
23 nance costs for vendors using multi-
24 function systems and equipment to

1 support electronic benefit transfers;
2 and

3 “(II) any retail store in the State
4 that applies for authorization to be-
5 come a program vendor shall be re-
6 quired to demonstrate the capability
7 to accept program benefits electroni-
8 cally prior to authorization, unless the
9 State agency determines that the ven-
10 dor is necessary for participant ac-
11 cess.

12 “(F) MINIMUM LANE COVERAGE.—

13 “(i) IN GENERAL.—The Secretary
14 shall establish minimum lane coverage
15 guidelines for vendor equipment and sys-
16 tems used to support electronic benefit
17 transfers.

18 “(ii) PROVISION OF EQUIPMENT.—If
19 a vendor does not elect to accept electronic
20 benefit transfers using its own multi-
21 function equipment, the State agency shall
22 provide such equipment as is necessary to
23 solely support the program to meet the es-
24 tablished minimum lane coverage guide-
25 lines.

1 “(G) TECHNICAL STANDARDS.—The Sec-
2 retary shall—

3 “(i) establish technical standards and
4 operating rules for electronic benefit trans-
5 fer systems; and

6 “(ii) require each State agency, con-
7 tractor, and authorized vendor partici-
8 pating in the program to demonstrate com-
9 pliance with the technical standards and
10 operating rules.”.

11 (e) UNIVERSAL PRODUCT CODES DATABASE.—Sec-
12 tion 17(h) of the Child Nutrition Act of 1966 (42 U.S.C.
13 1786(h)) is amended by striking paragraph (13) and in-
14 serting the following:

15 “(13) UNIVERSAL PRODUCT CODES DATA-
16 BASE.—

17 “(A) IN GENERAL.—Not later than 2 years
18 after the date of enactment of the Healthy,
19 Hunger-Free Kids Act of 2010, the Secretary
20 shall establish a national universal product code
21 database to be used by all State agencies in
22 carrying out the requirements of paragraph
23 (12).

24 “(B) FUNDING.—

1 “(i) IN GENERAL.—On October 1,
2 2010, and on each October 1 thereafter,
3 out of any funds in the Treasury not oth-
4 erwise appropriated, the Secretary of the
5 Treasury shall transfer to the Secretary to
6 carry out this paragraph \$1,000,000, to
7 remain available until expended.

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

13 “(iii) USE OF FUNDS.—The Secretary
14 shall use the funds provided under clause
15 (i) for development, hosting, hardware and
16 software configuration, and support of the
17 database required under subparagraph
18 (A).”.

19 (f) TEMPORARY SPENDING AUTHORITY.—Section
20 17(i) of the Child Nutrition Act of 1966 (42 U.S.C.
21 1786(i)) is amended by adding at the end the following:

22 “(8) TEMPORARY SPENDING AUTHORITY.—
23 During each of fiscal years 2012 and 2013, the Sec-
24 retary may authorize a State agency to expend more
25 than the amount otherwise authorized under para-

1 graph (3)(C) for expenses incurred under this sec-
 2 tion for supplemental foods during the preceding fis-
 3 cal year, if the Secretary determines that—

4 “(A) there has been a significant reduction
 5 in reported infant formula cost containment
 6 savings for the preceding fiscal year due to the
 7 implementation of subsection (h)(8)(K); and

8 “(B) the reduction would affect the ability
 9 of the State agency to serve all eligible partici-
 10 pants.”.

11 **SEC. 353. EFFICACY OF FOODS ELIGIBLE FOR USE UNDER**
 12 **THE SPECIAL SUPPLEMENTAL NUTRITION**
 13 **PROGRAM FOR WOMEN, INFANTS, AND CHIL-**
 14 **DREN.**

15 Section 17(f)(11) of the Child Nutrition Act of 1966
 16 (42 U.S.C. 1786(f)(11)) is amended by adding at the end
 17 the following:

18 “(E) EFFICACY OF FOODS.—

19 “(i) IN GENERAL.—The Secretary
 20 may disallow any food product from avail-
 21 ability for use in the program under this
 22 section, or require that a food product be
 23 made available for use in the program
 24 under this section, based on the determina-
 25 tion of the Secretary of the benefits of the

1 ingredients of the product relative to the
2 cost of the product in the retail market.

3 “(ii) FRAMEWORK.—The Secretary
4 shall develop a framework—

5 “(I) to evaluate the efficacy of
6 ingredients added to or proposed to be
7 added to foods available under the
8 program under this section; and

9 “(II) to determine whether the
10 purchase of products containing those
11 ingredients through the program is
12 likely to yield appreciable benefits to
13 participants in the program with re-
14 spect to health, nutrition, behavior, or
15 cognitive or physiological development
16 relative to the cost of the food product
17 in the retail market.”.

18 **Subtitle E—Miscellaneous**

19 **SEC. 361. FULL USE OF FEDERAL FUNDS.**

20 Section 12 of the Richard B. Russell National School
21 Lunch Act (42 U.S.C. 1760) is amended by striking sub-
22 section (b) and inserting the following:

23 “(b) AGREEMENTS.—

24 “(1) IN GENERAL.—The Secretary shall incor-
25 porate, in the agreement of the Secretary with the

1 State agencies administering programs authorized
2 under this Act or the Child Nutrition Act of 1966
3 (42 U.S.C. 1771 et seq.), the express requirements
4 with respect to the operation of the programs to the
5 extent applicable and such other provisions as in the
6 opinion of the Secretary are reasonably necessary or
7 appropriate to effectuate the purposes of this Act
8 and the Child Nutrition Act of 1966 (42 U.S.C.
9 1771 et seq.).

10 “(2) EXPECTATIONS FOR USE OF FUNDS.—
11 Agreements described in paragraph (1) shall include
12 a provision that—

13 “(A) supports full use of Federal funds
14 provided to State agencies for the administra-
15 tion of programs authorized under this Act or
16 the Child Nutrition Act of 1966 (42 U.S.C.
17 1771 et seq.); and

18 “(B) excludes the Federal funds from
19 State budget restrictions or limitations includ-
20 ing, at a minimum—

21 “(i) hiring freezes;

22 “(ii) work furloughs; and

23 “(iii) travel restrictions.”.

1 **SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND IN-**
2 **DIVIDUALS.**

3 Section 12 of the Richard B. Russell National School
4 Lunch Act (42 U.S.C. 1760) (as amended by section 206)
5 is amended by adding at the end the following:

6 “(r) DISQUALIFIED SCHOOLS, INSTITUTIONS, AND
7 INDIVIDUALS.—Any school, institution, service institution,
8 facility, or individual that has been terminated from any
9 program authorized under this Act or the Child Nutrition
10 Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of
11 disqualified institutions and individuals under section 13
12 or section 17(d)(5)(E) of this Act may not be approved
13 to participate in or administer any program authorized
14 under this Act or the Child Nutrition Act of 1966 (42
15 U.S.C. 1771 et seq.).”.

16 **TITLE IV—MISCELLANEOUS**
17 **Subtitle A—Reauthorization of**
18 **Expiring Provisions**

19 **PART I—RICHARD B. RUSSELL NATIONAL**
20 **SCHOOL LUNCH ACT**

21 **SEC. 401. COMMODITY SUPPORT.**

22 Section 6(e)(1)(B) of the Richard B. Russell National
23 School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended
24 by striking “September 30, 2010” and inserting “Sep-
25 tember 30, 2020”.

1 **SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.**

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

4 (1) in paragraph (3), by striking “2006
5 through 2010” and inserting “2011 through 2015”;
6 and

7 (2) in paragraph (4), by striking “2006
8 through 2010” and inserting “2011 through 2015”.

9 **SEC. 403. PROCUREMENT TRAINING.**

10 Section 12(m)(4) of the Richard B. Russell National
11 School Lunch Act (42 U.S.C. 1760(m)(4)) is amended by
12 striking “2005 through 2009” and inserting “2010
13 through 2015”.

14 **SEC. 404. AUTHORIZATION OF THE SUMMER FOOD SERVICE**
15 **PROGRAM FOR CHILDREN.**

16 Subsection (r) of section 13 of the Richard B. Russell
17 National School Lunch Act (42 U.S.C. 1761) (as redesignig-
18 nated by section 322(1)) is amended by striking “Sep-
19 tember 30, 2009” and inserting “September 30, 2015”.

20 **SEC. 405. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.**

21 Subsection (i)(5) of section 18 of the Richard B. Rus-
22 sell National School Lunch Act (42 U.S.C. 1769) (as re-
23 designated by section 243(1)) is amended by striking
24 “2005 through 2010” and inserting “2011 through
25 2015”.

1 **SEC. 406. TRAINING, TECHNICAL ASSISTANCE, AND FOOD**
2 **SERVICE MANAGEMENT INSTITUTE.**

3 Section 21(e) of the Richard B. Russell National
4 School Lunch Act (42 U.S.C. 1769b-1(e)) is amended—

5 (1) by striking “(e) AUTHORIZATION OF AP-
6 PROPRIATIONS” and all that follows through the end
7 of paragraph (2)(A) and inserting the following:

8 “(e) FOOD SERVICE MANAGEMENT INSTITUTE.—

9 “(1) FUNDING.—

10 “(A) IN GENERAL.—In addition to any
11 amounts otherwise made available for fiscal
12 year 2011, on October 1, 2010, and each Octo-
13 ber 1 thereafter, out of any funds in the Treas-
14 ury not otherwise appropriated, the Secretary of
15 the Treasury shall transfer to the Secretary to
16 carry out subsection (a)(2) \$5,000,000, to re-
17 main available until expended.

18 “(B) RECEIPT AND ACCEPTANCE.—The
19 Secretary shall be entitled to receive, shall ac-
20 cept, and shall use to carry out subsection
21 (a)(2) the funds transferred under subpara-
22 graph (A), without further appropriation.”;

23 (2) by redesignating subparagraphs (B) and
24 (C) as paragraphs (2) and (3), respectively, and in-
25 denting appropriately;

1 (3) in paragraph (2) (as so redesignated), by
2 striking “subparagraph (A)” each place it appears
3 and inserting “paragraph (1)”; and

4 (4) in paragraph (3) (as so redesignated), by
5 striking “subparagraphs (A) and (B)” and inserting
6 “paragraphs (1) and (2)”.

7 **SEC. 407. FEDERAL ADMINISTRATIVE SUPPORT.**

8 Section 21(g)(1)(A)) of the Richard B. Russell Na-
9 tional School Lunch Act (42 U.S.C. 1769b-1(g)(1)(A)) is
10 amended—

11 (1) in clause (i), by striking “and” at the end;

12 (2) in clause(ii), by striking the period at the
13 end and inserting “; and”

14 (3) and by adding at the end the following:

15 “(iii) on October 1, 2010, and every
16 October 1 thereafter, \$4,000,000.”.

17 **SEC. 408. COMPLIANCE AND ACCOUNTABILITY.**

18 Section 22(d) of the Richard B. Russell National
19 School Lunch Act (42 U.S.C. 1769c(d)) is amended by
20 striking “\$6,000,000 for each of fiscal years 2004 through
21 2009” and inserting “\$10,000,000 for each of fiscal years
22 2011 through 2015”.

23 **SEC. 409. INFORMATION CLEARINGHOUSE.**

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

1 the first sentence by striking “2005 through 2010” and
2 inserting “2010 through 2015”.

3 **PART II—CHILD NUTRITION ACT OF 1966**

4 **SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.**

5 Section 7(i)(4) of the Child Nutrition Act of 1966
6 (42 U.S.C. 1776(i)(4)) is amended by striking “2005
7 through 2009” and inserting “2010 through 2015”.

8 **SEC. 422. STATE ADMINISTRATIVE EXPENSES.**

9 Section 7(j) of the Child Nutrition Act of 1966 (42
10 U.S.C. 1776(j)) is amended by striking “October 1, 2009”
11 and inserting “October 1, 2015”.

12 **SEC. 423. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**

13 **FOR WOMEN, INFANTS, AND CHILDREN.**

14 Section 17(g)(1)(A) of the Child Nutrition Act of
15 1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking
16 “each of fiscal years 2004 through 2009” and inserting
17 “each of fiscal years 2010 through 2015”.

18 **SEC. 424. FARMERS MARKET NUTRITION PROGRAM.**

19 Section 17(m)(9) of the Child Nutrition Act of 1966
20 (42 U.S.C. 1786(m)(9)) is amended by striking subpara-
21 graph (A) and inserting the following:

22 “(A) AUTHORIZATION OF APPROPRIA-
23 TIONS.—There are authorized to be appro-
24 priated to carry out this subsection such sums

1 as are necessary for each of fiscal years 2010
2 through 2015.”.

3 **Subtitle B—Technical Amendments**

4 **SEC. 441. TECHNICAL AMENDMENTS.**

5 (a) RICHARD B. RUSSELL NATIONAL SCHOOL
6 LUNCH ACT.—

7 (1) NUTRITIONAL REQUIREMENTS.—Section
8 9(f) of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1758(f)) is amended—

10 (A) by striking “(f)” and all that follows
11 through the end of paragraph (1) and inserting
12 the following:

13 “(f) NUTRITIONAL REQUIREMENTS.—

14 “(1) IN GENERAL.—Schools that are partici-
15 pating in the school lunch program or school break-
16 fast program shall serve lunches and breakfasts
17 that—

18 “(A) are consistent with the goals of the
19 most recent Dietary Guidelines for Americans
20 published under section 301 of the National
21 Nutrition Monitoring and Related Research Act
22 of 1990 (7 U.S.C. 5341); and

23 “(B) consider the nutrient needs of chil-
24 dren who may be at risk for inadequate food in-
25 take and food insecurity.”;

1 (B) by striking paragraph (2); and

2 (C) by redesignating paragraphs (3)
3 through (5) as paragraphs (2) through (4), re-
4 spectively.

5 (2) ROUNDING RULES FOR COMPUTATION OF
6 ADJUSTMENT.—Section 11(a)(3)(B) of the Richard
7 B. Russell National School Lunch Act (42 U.S.C.
8 1759a(a)(3)(B)) is amended by striking “ROUND-
9 ING.—” and all that follows through “On July” in
10 subclause (II) and inserting “ROUNDING.—On
11 July”.

12 (3) INFORMATION AND ASSISTANCE CON-
13 CERNING REIMBURSEMENT OPTIONS.—Section 11 of
14 the Richard B. Russell National School Lunch Act
15 (42 U.S.C. 1759a) is amended by striking subsection
16 (f).

17 (4) 1995 REGULATIONS TO IMPLEMENT DIE-
18 TARY GUIDELINES.—Section 12 of the Richard B.
19 Russell National School Lunch Act (42 U.S.C.
20 1760) is amended by striking subsection (k).

21 (5) SUMMER FOOD SERVICE PROGRAM FOR
22 CHILDREN.—

23 (A) IN GENERAL.—Section 13 of the Rich-
24 ard B. Russell National School Lunch Act (42
25 U.S.C. 1761) is amended by striking the section

1 heading and all that follows through the end of
2 subsection (a)(1) and inserting the following:

3 **“SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHIL-**
4 **DREN.**

5 “(a) IN GENERAL.—

6 “(1) DEFINITIONS.—In this section:

7 “(A) AREA IN WHICH POOR ECONOMIC
8 CONDITIONS EXIST.—

9 “(i) IN GENERAL.—Subject to clause
10 (ii), the term ‘area in which poor economic
11 conditions exist’, as the term relates to an
12 area in which a program food service site
13 is located, means—

14 “(I) the attendance area of a
15 school in which at least 50 percent of
16 the enrolled children have been deter-
17 mined eligible for free or reduced
18 price school meals under this Act and
19 the Child Nutrition Act of 1966 (42
20 U.S.C. 1771 et seq.);

21 “(II) a geographic area, as de-
22 fined by the Secretary based on the
23 most recent census data available, in
24 which at least 50 percent of the chil-
25 dren residing in that area are eligible

1 for free or reduced price school meals
2 under this Act and the Child Nutri-
3 tion Act of 1966 (42 U.S.C. 1771 et
4 seq.);

5 “(III) an area—

6 “(aa) for which the program
7 food service site documents the
8 eligibility of enrolled children
9 through the collection of income
10 eligibility statements from the
11 families of enrolled children or
12 other means; and

13 “(bb) at least 50 percent of
14 the children enrolled at the pro-
15 gram food service site meet the
16 income standards for free or re-
17 duced price school meals under
18 this Act and the Child Nutrition
19 Act of 1966 (42 U.S.C. 1771 et
20 seq.);

21 “(IV) a geographic area, as de-
22 fined by the Secretary based on infor-
23 mation provided from a department of
24 welfare or zoning commission, in
25 which at least 50 percent of the chil-

1 dren residing in that area are eligible
2 for free or reduced price school meals
3 under this Act and the Child Nutri-
4 tion Act of 1966 (42 U.S.C. 1771 et
5 seq.); or

6 “(V) an area for which the pro-
7 gram food service site demonstrates
8 through other means approved by the
9 Secretary that at least 50 percent of
10 the children enrolled at the program
11 food service site are eligible for free or
12 reduced price school meals under this
13 Act and the Child Nutrition Act of
14 1966 (42 U.S.C. 1771 et seq.).

15 “(ii) DURATION OF DETERMINA-
16 TION.—A determination that an area is an
17 ‘area in which poor economic conditions
18 exist’ under clause (i) shall be in effect
19 for—

20 “(I) in the case of an area de-
21 scribed in clause (i)(I), 5 years;

22 “(II) in the case of an area de-
23 scribed in clause (i)(II), until more re-
24 cent census data are available;

1 “(III) in the case of an area de-
2 scribed in clause (i)(III), 1 year; and

3 “(IV) in the case of an area de-
4 scribed in subclause (IV) or (V) of
5 clause (i), a period of time to be de-
6 termined by the Secretary, but not
7 less than 1 year.

8 “(B) CHILDREN.—The term ‘children’
9 means—

10 “(i) individuals who are 18 years of
11 age and under; and

12 “(ii) individuals who are older than 18
13 years of age who are—

14 “(I) determined by a State edu-
15 cational agency or a local public edu-
16 cational agency of a State, in accord-
17 ance with regulations promulgated by
18 the Secretary, to have a disability,
19 and

20 “(II) participating in a public or
21 nonprofit private school program es-
22 tablished for individuals who have a
23 disability.

1 “(C) PROGRAM.—The term ‘program’
2 means the summer food service program for
3 children authorized by this section.

4 “(D) SERVICE INSTITUTION.—The term
5 ‘service institution’ means a public or private
6 nonprofit school food authority, local, munic-
7 ipal, or county government, public or private
8 nonprofit higher education institution partici-
9 pating in the National Youth Sports Program,
10 or residential public or private nonprofit sum-
11 mer camp, that develops special summer or
12 school vacation programs providing food service
13 similar to food service made available to chil-
14 dren during the school year under the school
15 lunch program under this Act or the school
16 breakfast program under the Child Nutrition
17 Act of 1966 (42 U.S.C. 1771 et seq.).

18 “(E) STATE.—The term ‘State’ means—
19 “(i) each of the several States of the
20 United States;
21 “(ii) the District of Columbia;
22 “(iii) the Commonwealth of Puerto
23 Rico;
24 “(iv) Guam;
25 “(v) American Samoa;

1 “(vi) the Commonwealth of the North-
2 ern Mariana Islands; and

3 “(vii) the United States Virgin Is-
4 lands.”.

5 (B) CONFORMING AMENDMENTS.—Section
6 13(a) of the Richard B. Russell National School
7 Lunch Act (42 U.S.C. 1761(a)) is amended—

8 (i) in paragraph (2)—

9 (I) by striking “(2) To the max-
10 imum extent feasible,” and inserting
11 the following:

12 “(2) PROGRAM AUTHORIZATION.—

13 “(A) IN GENERAL.—The Secretary may
14 carry out a program to assist States, through
15 grants-in-aid and other means, to initiate and
16 maintain nonprofit summer food service pro-
17 grams for children in service institutions.

18 “(B) PREPARATION OF FOOD.—

19 “(i) IN GENERAL.—To the maximum
20 extent feasible,”; and

21 (II) by striking “The Secretary
22 shall” and inserting the following:

23 “(ii) INFORMATION AND TECHNICAL
24 ASSISTANCE.—The Secretary shall”;

25 (ii) in paragraph (3)—

1 (I) by striking “(3) Eligible serv-
2 ice institutions” and inserting the fol-
3 lowing:

4 “(3) ELIGIBLE SERVICE INSTITUTIONS.—Eligi-
5 ble service institutions”; and

6 (II) by indenting subparagraphs
7 (A) through (D) appropriately;
8 (iii) in paragraph (4)—

9 (I) by redesignating subpara-
10 graphs (A) through (D) as clauses (i)
11 through (iv), respectively, and indent-
12 ing appropriately;

13 (II) by striking “(4) The fol-
14 lowing” and inserting the following:

15 “(4) PRIORITY.—

16 “(A) IN GENERAL.—The following”; and

17 (III) by striking “The Secretary
18 and the States” and inserting the fol-
19 lowing:

20 “(B) RURAL AREAS.—The Secretary and
21 the States”;

22 (iv) by striking “(5) Camps” and in-
23 serting the following:

24 “(5) CAMPS.—Camps”; and

1 (v) by striking “(6) Service institu-
2 tions” and inserting the following:

3 “(6) GOVERNMENT INSTITUTIONS.—Service in-
4 stitutions”.

5 (6) REPORT ON IMPACT OF PROCEDURES TO
6 SECURE STATE SCHOOL INPUT ON COMMODITY SE-
7 LECTION.—Section 14(d) of the Richard B. Russell
8 National School Lunch Act (42 U.S.C. 1762a(d)) is
9 amended by striking the matter that follows para-
10 graph (5).

11 (7) RURAL AREA DAY CARE HOME PILOT PRO-
12 GRAM.—Section 17 of the Richard B. Russell Na-
13 tional School Lunch Act (42 U.S.C. 1766) is amend-
14 ed by striking subsection (p).

15 (8) CHILD AND ADULT CARE FOOD PROGRAM
16 TRAINING AND TECHNICAL ASSISTANCE.—Section
17 17(q) of the Richard B. Russell National School
18 Lunch Act (42 U.S.C. 1766(q)) is amended by strik-
19 ing paragraph (3).

20 (9) PILOT PROJECT FOR PRIVATE NONPROFIT
21 STATE AGENCIES.—Section 18 of the Richard B.
22 Russell National School Lunch Act (42 U.S.C.
23 1769) is amended by striking subsection (a).

24 (10) MEAL COUNTING AND APPLICATION PILOT
25 PROGRAMS.—Section 18(c) of the Richard B. Russell

1 National School Lunch Act (42 U.S.C. 1769(c)) is
2 amended—

3 (A) by striking paragraphs (1) and (2);
4 and

5 (B) by redesignating paragraphs (3) and
6 (4) as paragraphs (1) and (2), respectively.

7 (11) MILK FORTIFICATION PILOT.—Section 18
8 of the Richard B. Russell National School Lunch
9 Act (42 U.S.C. 1769) is amended by striking sub-
10 section (d).

11 (12) FREE BREAKFAST PILOT PROJECT.—Sec-
12 tion 18 of the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1769) is amended by striking
14 subsection (e).

15 (13) SUMMER FOOD SERVICE RESIDENTIAL
16 CAMP ELIGIBILITY.—Section 18 of the Richard B.
17 Russell National School Lunch Act (42 U.S.C.
18 1769) is amended by striking subsection (f).

19 (14) ACCOMMODATION OF THE SPECIAL DIE-
20 TARY NEEDS OF INDIVIDUALS WITH DISABILITIES.—
21 Section 27 of the Richard B. Russell National
22 School Lunch Act (42 U.S.C. 1769h) is repealed.

23 (b) CHILD NUTRITION ACT OF 1966.—

24 (1) STATE ADMINISTRATIVE EXPENSES MIN-
25 IMUM LEVELS FOR 2005 THROUGH 2007.—Section

1 7(a)(1) of the Child Nutrition Act of 1966 (42
2 U.S.C. 1776(a)(1)) is amended—

3 (A) in subparagraph (A), by striking “Ex-
4 cept as provided in subparagraph (B), each fis-
5 cal year” and inserting “Each fiscal year”;

6 (B) by striking subparagraph (B); and

7 (C) by redesignating subparagraph (C) as
8 subparagraph (B).

9 (2) FRUIT AND VEGETABLE GRANTS UNDER
10 THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
11 FOR WOMEN, INFANTS, AND CHILDREN.—Section
12 17(f)(11) of the Child Nutrition Act of 1966 (42
13 U.S.C. 1786(f)(11)) is amended—

14 (A) by striking subparagraph (C); and

15 (B) by redesignating subparagraph (D)
16 and subparagraph (E) (as added by section
17 353) as subparagraphs (C) and (D), respec-
18 tively.

19 **SEC. 442. ENVIRONMENTAL QUALITY INCENTIVES PRO-**
20 **GRAM.**

21 Section 1241(a)(6) of the Food Security Act of 1985
22 (16 U.S.C. 3841(a)(6)) is amended—

23 (1) in subparagraph (D), by striking
24 “\$1,588,000,000” and inserting “\$1,447,000,000”;
25 and

1 (2) in subparagraph (E), by striking
2 “\$1,750,000,000” and inserting “\$1,447,000,000”.

3 **SEC. 443. BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go-Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the Senate Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.

12 **SEC. 444. EFFECTIVE DATE.**

13 Except as otherwise specifically provided in this Act
14 or any of the amendments made by this Act, this Act and
15 the amendments made by this Act take effect on October
16 1, 2010.

Calendar No. 363

111TH CONGRESS
2^D SESSION

S. 3307

[Report No. 111-178]

A BILL

To reauthorize child nutrition programs, and for
other purposes.

MAY 5, 2010

Read twice and placed on the calendar