

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

(no.) _____

To reauthorize child nutrition programs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____

Viz:

1 Beginning on page 14, strike line 13 and all that fol-
2 lows through page 15, line 6, and insert the following:

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-

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

3 “(II) for the school year begin-
4 ning July 1, 2013, in selected local
5 educational agencies that collectively
6 serve 5 percent of students certified
7 for free and reduced price meals na-
8 tionwide, based on the most recent
9 available data; and

10 “(III) for the school year begin-
11 ning July 1, 2014, and each subse-
12 quent school year, in selected local
13 educational agencies that collectively
14 serve 10 percent of students certified
15 for free and reduced price meals na-
16 tionwide, based on the most recent
17 available data.

18 On page 16, strike lines 19 and 20, and insert “July
19 1 of the first school year during which a State agency will
20 participate in the demonstration project, the State agency
21 shall”.

22 On page 20, line 6, strike “this subsection” and in-
23 sert “subparagraph (G)”.

1 On page 26, lines 3 and 4, strike “if the local edu-
2 cational agency—” and insert “if—”.

3 On page 26, line 6, insert “the local educational agen-
4 cy” before “elects”.

5 On page 26, line 15, insert “the local educational
6 agency” before “pays”.

7 On page 26, line 23, insert “the local educational
8 agency” before “is”.

9 On page 27, line 6, strike “school” and insert “local
10 educational agency”.

11 On page 27, line 9, insert “the local educational agen-
12 cy or school” before “had”.

13 On page 43, lines 9 and 10, strike “On the date of
14 enactment of this subparagraph” and insert “On October
15 1, 2010”.

16 On page 43, line 16, strike “December 31, 2013” and
17 insert “September 30, 2014”.

1 On page 46, line 11, strike “or”.

2 On page 46, line 13, strike the period at the end and
3 insert “; or”.

4 On page 46, between lines 13 and 14, insert the fol-
5 lowing:

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

8 On page 48, line 25, strike “and”.

9 On page 48, after line 25, add the following:

10 “(iv) is an organization described in
11 section 501(c) of the Internal Revenue
12 Code of 1986 and exempt from taxation
13 under 501(a) of that Code; and

14 On page 49, line 1, strike “(iv)” and insert “(v)”.

15 On page 51, line 24, strike the closing quotation
16 marks and the following period.

17 On page 51, after line 24, add the following:

1 “(6) HANDBOOK.—

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

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

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

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

13 “(i) review the guidelines; and

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

16 On page 55, line 4, strike “2010” and insert “2012”.

17 On page 56, line 13, strike the comma at the end
18 and insert a semicolon.

19 On page 59, line 16, strike “2011” and insert
20 “2013”.

1 On page 60, line 13, strike “2010” and insert
2 “2012”.

3 On page 60, line 18, strike “2015” and insert
4 “2017”.

5 On page 64, line 2, strike “and”.

6 On page 64, between lines 2 and 3, insert the fol-
7 lowing:

8 (B) the manner in which the affected
9 households will be provided with assistance in
10 establishing eligibility for free or reduced price
11 school meals; and

12 On page 64, line 3, strike “(B)” and insert “(C)”.

13 On page 66, line 18, strike “(A)(ii) or” and insert
14 “(A)(ii),”.

15 On page 66, line 19, insert “or October 1, 2012,”
16 before “the Secretary”.

1 On page 67, line 20, strike “(A)(ii)(II) or” and insert
2 “(A)(ii)(II),”.

3 On page 67, line 21, insert “or October 1, 2012,”
4 before “school food authorities”.

5 On page 69, strike lines 14 through 19, and insert
6 the following:

7 “(i) shall offer students a variety of
8 fluid milk. Such milk shall be consistent
9 with the most recent Dietary Guidelines
10 for Americans published under section 301
11 of the National Nutrition Monitoring and
12 Related Research Act of 1990 (7 U.S.C.
13 5341);”.

14 On page 71, line 16, insert “and implementation” be-
15 fore “of the local”.

16 On page 71, strike lines 19 and 20 and insert the
17 following:

18 “(A) periodically measure and report on
19 implementation of the local school wellness pol-
20 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 On page 72, strike lines 20 through 23 and insert
13 the following:

14 “(A) includes resources and training on de-
15 signing, implementing, promoting, dissemi-
16 nating, and evaluating local school wellness
17 policies and overcoming barriers to the adoption
18 of local school wellness policies;

19 “(B) includes model local school wellness
20 policies and best practices recommended by
21 Federal agencies, State agencies, and non-
22 governmental organizations;

23 On page 72, line 24, strike “(B)” and insert “(C)”.

1 On page 73, line 3, strike “(C)” and insert “(D)”.

2 On page 73, line 5, strike the closing quotation marks
3 and the following period.

4 On page 73, between lines 5 and 6, insert the fol-
5 lowing:

6 “(3) STUDY AND REPORT.—

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

14 “(B) STUDY OF LOCAL SCHOOL WELLNESS
15 POLICIES.—The study described in subpara-
16 graph (A) shall include——

17 “(i) an analysis of the strength and
18 weaknesses of local school wellness policies
19 and how the policies compare with model
20 local wellness policies recommended under
21 paragraph (2)(B); and

22 “(ii) an assessment of the impact of
23 the local school wellness policies in ad-

1 dressing the requirements of subsection
2 (b).

3 “(C) REPORT.—Not later than January 1,
4 2014, the Secretary shall submit to the Com-
5 mittee on Education and Labor of the House of
6 Representatives and the Committee on Agri-
7 culture, Nutrition, and Forestry of the Senate
8 a report that describes the findings of the
9 study.

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

15 On page 74, between lines 23 and 24, insert the fol-
16 lowing:

17 “(iii) MAXIMUM PRICE INCREASE.—
18 The maximum annual price increase in the
19 average price for a paid lunch for a school
20 year required under this subparagraph
21 shall not exceed 10 cents for any school
22 food authority.

23 On page 75, strike lines 18 through 22.

1 the Secretary and to the public in the State on
2 a periodic basis; and

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

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

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

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

23 “(3) AUTHORIZATION OF APPROPRIATIONS.—
24 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 On page 85, line 10, insert “and adult” after “child”.

4 On page 85, line 14, insert “, and the health and
5 wellness of older adults and chronically impaired disabled
6 persons” before the period.

7 On page 88, line 8, strike “children” and insert “par-
8 ticipants”.

9 On page 105, line 4, strike “\$124,000,000” and in-
10 sert “\$134,000,000”.

11 On page 106, line 7, insert “not more than” before
12 “\$10,000,000”.

13 On page 112, line 23, strike “2012 and” and insert-
14 ing “2011 through”.

15 On page 119, strike line 6 and all that follows
16 through page 120, line 2, and insert the following:

1 **SEC. 243. ACCESS TO LOCAL FOODS: FARM TO SCHOOL**
2 **PROGRAM.**

3 Section 18 of the Richard B. Russell National School
4 Lunch Act (42 U.S.C. 1769) is amended—

5 (1) by redesignating subsections (h) and (i) as
6 subsections (i) and (j), respectively;

7 (2) in subsection (g), by striking “(g) ACCESS
8 TO LOCAL FOODS AND SCHOOL GARDENS.—” and
9 all that follows through “(3) PILOT PROGRAM FOR
10 HIGH-POVERTY SCHOOLS.—” and inserting the fol-
11 lowing:

12 “(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL
13 PROGRAM.—

14 “(1) DEFINITION OF ELIGIBLE SCHOOL.—In
15 this subsection, the term ‘eligible school’ means a
16 school or institution that participates in a program
17 under this Act or the school breakfast program es-
18 tablished under section 4 of the Child Nutrition Act
19 of 1966 (42 U.S.C. 1773).

20 “(2) PROGRAM.—The Secretary shall carry out
21 a program to assist eligible schools, State and local
22 agencies, Indian tribal organizations, agricultural
23 producers or groups of agricultural producers, and
24 nonprofit entities through grants and technical as-
25 sistance to implement farm to school programs that
26 improve access to local foods in eligible schools.

1 “(3) GRANTS.—

2 “(A) IN GENERAL.—The Secretary shall
3 award competitive grants under this subsection
4 to be used for—

5 “(i) training;

6 “(ii) supporting operations;

7 “(iii) planning;

8 “(iv) purchasing equipment;

9 “(v) developing school gardens;

10 “(vi) developing partnerships; and

11 “(vii) implementing farm to school
12 programs.

13 “(B) REGIONAL BALANCE.—In making
14 awards under this subsection, the Secretary
15 shall, to the maximum extent practicable, en-
16 sure—

17 “(i) geographical diversity; and

18 “(ii) equitable treatment of urban,
19 rural, and tribal communities.

20 “(C) MAXIMUM AMOUNT.—The total
21 amount provided to a grant recipient under this
22 subsection shall not exceed \$100,000.

23 “(4) FEDERAL SHARE.—

24 “(A) IN GENERAL.—The Federal share of
25 costs for a project funded through a grant

1 awarded under this subsection shall not exceed
2 75 percent of the total cost of the project.

3 “(B) FEDERAL MATCHING.—As a condi-
4 tion of receiving a grant under this subsection,
5 a grant recipient shall provide matching sup-
6 port in the form of cash or in-kind contribu-
7 tions, including facilities, equipment, or services
8 provided by State and local governments, non-
9 profit organizations, and private sources.

10 “(5) CRITERIA FOR SELECTION.—To the max-
11 imum extent practicable, in providing assistance
12 under this subsection, the Secretary shall give the
13 highest priority to funding projects that, as deter-
14 mined by the Secretary—

15 “(A) benefit local small- and medium-sized
16 farms;

17 “(B) make local food products available on
18 the menu of the eligible school;

19 “(C) serve a high proportion of children
20 who are eligible for free or reduced price
21 lunches;

22 “(D) incorporate experiential nutrition
23 education activities in curriculum planning that
24 encourage the participation of school children in

1 farm and garden-based agricultural education
2 activities;

3 “(E) demonstrate collaboration between el-
4 igible schools, nongovernmental and community-
5 based organizations, agricultural producer
6 groups, and other community partners;

7 “(F) include adequate and participatory
8 evaluation plans;

9 “(G) demonstrate the potential for long-
10 term program sustainability; and

11 “(H) meet any other criteria that the Sec-
12 retary determines appropriate.

13 “(6) EVALUATION.—As a condition of receiving
14 a grant under this subsection, each grant recipient
15 shall agree to cooperate in an evaluation by the Sec-
16 retary of the program carried out using grant funds.

17 “(7) TECHNICAL ASSISTANCE.—The Secretary
18 shall provide technical assistance and information to
19 assist eligible schools, State and local agencies, In-
20 dian tribal organizations, and nonprofit entities—

21 “(A) to facilitate the coordination and
22 sharing of information and resources in the De-
23 partment that may be applicable to the farm to
24 school program;

1 “(B) to collect and share information on
2 best practices; and

3 “(C) to disseminate research and data on
4 existing farm to school programs and the poten-
5 tial for programs in underserved areas.

6 “(8) FUNDING.—

7 “(A) IN GENERAL.—On October 1, 2012,
8 and each October 1 thereafter, out of any funds
9 in the Treasury not otherwise appropriated, the
10 Secretary of the Treasury shall transfer to the
11 Secretary to carry out this subsection
12 \$5,000,000, to remain available until expended.

13 “(B) RECEIPT AND ACCEPTANCE.—The
14 Secretary shall be entitled to receive, shall ac-
15 cept, and shall use to carry out this subsection
16 the funds transferred under subparagraph (A),
17 without further appropriation.

18 “(9) AUTHORIZATION OF APPROPRIATIONS.—In
19 addition to the amounts made available under para-
20 graph (8), there are authorized to be appropriated to
21 carry out this subsection such sums as are necessary
22 for each of fiscal years 2011 through 2015.

23 “(h) PILOT PROGRAM FOR HIGH-POVERTY
24 SCHOOLS.—

25 “(1) IN GENERAL.—”; and

1 (3) in subsection (h) (as redesignated by para-
2 graph (2))—

3 (A) in subparagraph (F) of paragraph (1)
4 (as so redesignated), by striking “in accordance
5 with paragraph (1)(H)” and inserting “carried
6 out by the Secretary”; and

7 (B) by redesignating paragraph (4) as
8 paragraph (2).

9 On page 136, between lines 5 and 6, insert the fol-
10 lowing:

11 “(iii) TRAINING MODULES.—A train-
12 ing program carried out under this sub-
13 paragraph shall include training modules
14 on—

15 “(I) nutrition;

16 “(II) health and food safety
17 standards and methodologies; and

18 “(III) any other appropriate top-
19 ics, as determined by the Secretary.

20 On page 139, after line 23, add the following:

1 **SEC. ____.** **ENSURING SAFETY OF SCHOOL MEALS.**

2 The Richard B. Russell National School Lunch Act
3 is amended by inserting after section 23 (as added by sec-
4 tion 141) the following:

5 **“SEC. 24. ENSURING SAFETY OF SCHOOL MEALS.**

6 “(a) **FOOD AND NUTRITION SERVICE.**—Not later
7 than 1 year after the date of enactment of the Healthy,
8 Hunger-Free Kids Act of 2010, the Secretary, acting
9 through the Administrator of the Food and Nutrition
10 Service, shall—

11 “(1) in consultation with the Administrator of
12 the Agricultural Marketing Service and the Adminis-
13 trator of the Farm Service Agency, develop guide-
14 lines to determine the circumstances under which it
15 is appropriate for the Secretary to institute an ad-
16 ministrative hold on suspect foods purchased by the
17 Secretary that are being used in school meal pro-
18 grams under this Act and the Child Nutrition Act
19 of 1966 (42 U.S.C. 1771 et seq.);

20 “(2) work with States to explore ways for the
21 States to increase the timeliness of notification of
22 food recalls to schools and school food authorities;

23 “(3) improve the timeliness and completeness of
24 direct communication between the Food and Nutri-
25 tion Service and States about holds and recalls, such

1 as through the commodity alert system of the Food
2 and Nutrition Service; and

3 “(4) establish a timeframe to improve the com-
4 modity hold and recall procedures of the Department
5 of Agriculture to address the role of processors and
6 determine the involvement of distributors with proc-
7 essed products that may contain recalled ingredients,
8 to facilitate the provision of more timely and com-
9 plete information to schools.

10 “(b) FOOD SAFETY AND INSPECTION SERVICE.—Not
11 later than 1 year after the date of enactment of the
12 Healthy, Hunger-Free Kids Act of 2010, the Secretary,
13 acting through the Administrator of the Food Safety and
14 Inspection Service, shall revise the procedures of the Food
15 Safety and Inspection Service to ensure that schools are
16 included in effectiveness checks.”.

17 On page 155, line 11, insert “for fiscal year 2016
18 and each fiscal year thereafter,” before “the Secretary”.

19 On page 160, strike lines 3 and 4, and insert the fol-
20 lowing: “is amended—

21 (1) in paragraph (8)(A)(iv)(III), by striking
22 “Any” and inserting “Except as provided in para-
23 graph (9)(B)(i)(II), any”; and

1 (2) by striking paragraph (9) and inserting the
2 following:

3 On page 161, line 6, strike “and”.

4 On page 161, line 9, strike the period at the end and
5 insert “; and”.

6 On page 161, between lines 9 and 10, insert the fol-
7 lowing:

8 “(iv) unless otherwise exempted by
9 the Secretary, provide a minimum of 30
10 days between the publication of the solici-
11 tation and the date on which the bids are
12 due.

13 On page 169, between lines 17 and 18, insert the fol-
14 lowing:

15 **SEC. ____ . EFFICACY OF FOODS ELIGIBLE FOR USE UNDER**
16 **THE SPECIAL SUPPLEMENTAL NUTRITION**
17 **PROGRAM FOR WOMEN, INFANTS, AND CHIL-**
18 **DREN.**

19 Section 17(f)(11) of the Child Nutrition Act of 1966
20 (42 U.S.C. 1786(f)(11)) is amended by adding at the end
21 the following:

1 “(E) EFFICACY OF FOODS.—

2 “(i) IN GENERAL.—The Secretary
3 may disallow any food product from avail-
4 ability for use in the program under this
5 section, or require that a food product be
6 made available for use in the program
7 under this section, based on the determina-
8 tion of the Secretary of the benefits of the
9 ingredients of the product relative to the
10 cost of the product in the retail market.

11 “(ii) FRAMEWORK.—The Secretary
12 shall develop a framework—

13 “(I) to evaluate the efficacy of
14 ingredients added to or proposed to be
15 added to foods available under the
16 program under this section; and

17 “(II) to determine whether the
18 purchase of products containing those
19 ingredients through the program is
20 likely to yield appreciable benefits to
21 participants in the program with re-
22 spect to health, nutrition, behavior, or
23 cognitive or physiological development
24 relative to the cost of the food product
25 in the retail market.”.

1 On page 172, lines 21 and 22, strike “Section
2 18(h)(5) of the Richard B. Russell National School Lunch
3 Act (42 U.S.C. 1769)” and insert “Subsection (i)(5) of
4 section 18 of the Richard B. Russell National School
5 Lunch Act (42 U.S.C. 1769) (as redesignated by section
6 243(1))”.

7 On page 173, strike lines 5 through 10 and insert
8 the following:

9 (1) by striking “(e) **AUTHORIZATION OF AP-**
10 **PROPRIATIONS**” and all that follows through the
11 end of paragraph (2)(A) and insert the following:

12 “(e) **FOOD SERVICE MANAGEMENT INSTITUTE.—**

13 “(1) **FUNDING.—**

14 “(A) **IN GENERAL.—**In addition to any
15 amounts otherwise made available for fiscal
16 year 2011, on October 1, 2010, and each Octo-
17 ber 1 thereafter, out of any funds in the Treas-
18 ury not otherwise appropriated, the Secretary of
19 the Treasury shall transfer to the Secretary to
20 carry out subsection (a)(2) \$5,000,000, to re-
21 main available until expended.

22 “(B) **RECEIPT AND ACCEPTANCE.—**The
23 Secretary shall be entitled to receive, shall ac-
24 cept, and shall use to carry out subsection

1 (a)(2) the funds transferred under subpara-
2 graph (A), without further appropriation.”;

3 On page 174, line 3, strike “\$5,000,000” and insert
4 “\$4,000,000”.

5 On page 187, after line 18, add the following:

6 **SEC. ____ . EFFECTIVE DATE.**

7 Except as otherwise specifically provided in this Act
8 or any of the amendments made by this Act, this Act and
9 the amendments made by this Act take effect on October
10 1, 2010.