

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3307

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

4 (b) **TABLE OF CONTENTS.**—The table of contents for  
5 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.

Sec. 105. Grants for expansion of school breakfast programs.

**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 pat-  
terns.

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.

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. Use of unspent future funds from the American Recovery and Reinvestment Act of 2009.

Sec. 443. Equipment assistance technical correction.

Sec. 444. Budgetary effects.

Sec. 445. Effective date.

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

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

1           **TITLE I—A PATH TO END**  
2           **CHILDHOOD HUNGER**  
3       **Subtitle A—National School Lunch**  
4           **Program**

5 **SEC. 101. IMPROVING DIRECT CERTIFICATION.**

6           (a) **PERFORMANCE AWARDS.**—Section 9(b)(4) of the  
7 Richard B. Russell National School Lunch Act (42 U.S.C.  
8 1758(b)(4)) is amended—

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

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

13                           “(E) **PERFORMANCE AWARDS.**—

14                                   “(i) **IN GENERAL.**—Effective for each  
15                                   of the school years beginning July 1, 2011,  
16                                   July 1, 2012, and July 1, 2013, the Sec-  
17                                   retary shall offer performance awards to  
18                                   States to encourage the States to ensure  
19                                   that all children eligible for direct certifi-  
20                                   cation under this paragraph are certified in  
21                                   accordance with this paragraph.

22                                   “(ii) **REQUIREMENTS.**—For each  
23                                   school year described in clause (i), the Sec-  
24                                   retary shall—

1           “(I) consider State data from the  
2           prior school year, including estimates  
3           contained in the report required under  
4           section 4301 of the Food, Conserva-  
5           tion, and Energy Act of 2008 (42  
6           U.S.C. 1758a); and

7           “(II) make performance awards  
8           to not more than 15 States that dem-  
9           onstrate, as determined by the Sec-  
10          retary—

11                   “(aa) outstanding perform-  
12                   ance; and

13                   “(bb) substantial improve-  
14                   ment.

15          “(iii) USE OF FUNDS.—A State agen-  
16          cy that receives a performance award  
17          under clause (i)—

18                   “(I) shall treat the funds as pro-  
19                   gram income; and

20                   “(II) may transfer the funds to  
21                   school food authorities for use in car-  
22                   rying out the program.

23          “(iv) FUNDING.—

24                   “(I) IN GENERAL.—On October  
25                   1, 2011, and each subsequent October

1           1 through October 1, 2013, out of any  
2           funds in the Treasury not otherwise  
3           appropriated, the Secretary of the  
4           Treasury shall transfer to the Sec-  
5           retary—

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

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

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

16                   “(v) PAYMENTS NOT SUBJECT TO JU-  
17                   DICIAL REVIEW.—A determination by the  
18                   Secretary whether, and in what amount, to  
19                   make a performance award under this sub-  
20                   paragraph shall not be subject to adminis-  
21                   trative or judicial review.”.

22           (b) CONTINUOUS IMPROVEMENT PLANS.—Section  
23   9(b)(4) of the Richard B. Russell National School Lunch  
24   Act (42 U.S.C. 1758(b)(4)) (as amended by subsection  
25   (a)) is amended by adding at the end the following:

1                   “(F)       CONTINUOUS       IMPROVEMENT  
2                   PLANS.—

3                   “(i) DEFINITION OF REQUIRED PER-  
4                   CENTAGE.—In this subparagraph, the term  
5                   ‘required percentage’ means—

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

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

10                  “(III) for the school year begin-  
11                  ning July 1, 2013, and each school  
12                  year thereafter, 95 percent.

13                  “(ii) REQUIREMENTS.—Each school  
14                  year, the Secretary shall—

15                  “(I) identify, using data from the  
16                  prior year, including estimates con-  
17                  tained in the report required under  
18                  section 4301 of the Food, Conserva-  
19                  tion, and Energy Act of 2008 (42  
20                  U.S.C. 1758a), States that directly  
21                  certify less than the required percent-  
22                  age of the total number of children in  
23                  the State who are eligible for direct  
24                  certification under this paragraph;



1           “(II) require the States identified  
2           under subclause (I) to implement a  
3           continuous improvement plan to fully  
4           meet the requirements of this para-  
5           graph, which shall include a plan to  
6           improve direct certification for the fol-  
7           lowing school year; and

8           “(III) assist the States identified  
9           under subclause (I) to develop and im-  
10          plement a continuous improvement  
11          plan in accordance with subclause  
12          (II).

13          “(iii) FAILURE TO MEET PERFORM-  
14          ANCE STANDARD.—

15                 “(I) IN GENERAL.—A State that  
16                 is required to develop and implement  
17                 a continuous improvement plan under  
18                 clause (ii)(II) shall be required to sub-  
19                 mit the continuous improvement plan  
20                 to the Secretary, for the approval of  
21                 the Secretary.

22                 “(II) REQUIREMENTS.—At a  
23                 minimum, a continuous improvement  
24                 plan under subclause (I) shall in-  
25                 clude—

1           “(aa) specific measures that  
 2           the State will use to identify  
 3           more children who are eligible for  
 4           direct certification, including im-  
 5           provements or modifications to  
 6           technology, information systems,  
 7           or databases;

8           “(bb) a timeline for the  
 9           State to implement those meas-  
 10          ures; and

11          “(cc) goals for the State to  
 12          improve direct certification re-  
 13          sults.”.

14          (c) WITHOUT FURTHER APPLICATION.—Section  
 15          9(b)(4) of the Richard B. Russell National School Lunch  
 16          Act (42 U.S.C. 1758(b)(4)) (as amended by subsection  
 17          (b)) is amended by adding at the end the following:

18                 “(G) WITHOUT FURTHER APPLICATION.—

19                         “(i) IN GENERAL.—In this paragraph,  
 20                         the term ‘without further application’  
 21                         means that no action is required by the  
 22                         household of the child.

23                         “(ii) CLARIFICATION.—A requirement  
 24                         that a household return a letter notifying  
 25                         the household of eligibility for direct cer-

1           tification or eligibility for free school meals  
2           does not meet the requirements of clause  
3           (i).”.

4 **SEC. 102. CATEGORICAL ELIGIBILITY OF FOSTER CHIL-**  
5 **DREN.**

6       (a)    DISCRETIONARY    CERTIFICATION.—Section  
7 9(b)(5) of the Richard B. Russell National School Lunch  
8 Act (42 U.S.C. 1758(b)(5)) is amended—

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

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

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

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

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

21       (b)    CATEGORICAL        ELIGIBILITY.—Section  
22 9(b)(12)(A) of the Richard B. Russell National School  
23 Lunch Act (42 U.S.C. 1758(b)(12)(A)) is amended—

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

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

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

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

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

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

12 (c) DOCUMENTATION.—Section 9(d)(2) of the Rich-  
13 ard B. Russell National School Lunch Act (42 U.S.C.  
14 1758(d)(2)) is amended—

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

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

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

20 “(F)(i) documentation has been provided  
21 to the appropriate local educational agency  
22 showing the status of the child as a foster child  
23 whose care and placement is the responsibility  
24 of an agency that administers a State plan

1 under part B or E of title IV of the Social Se-  
 2 curity Act (42 U.S.C. 621 et seq.); or

3 “(ii) documentation has been provided to  
 4 the appropriate local educational agency show-  
 5 ing the status of the child as a foster child who  
 6 a court has placed with a caretaker house-  
 7 hold.”.

8 **SEC. 103. DIRECT CERTIFICATION FOR CHILDREN RECEIV-**  
 9 **ING MEDICAID BENEFITS.**

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

13 “(15) DIRECT CERTIFICATION FOR CHILDREN  
 14 RECEIVING MEDICAID BENEFITS.—

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

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

18 “(I)(aa) who is eligible for and  
 19 receiving medical assistance under the  
 20 Medicaid program; and

21 “(bb) who is a member of a fam-  
 22 ily with an income as measured by the  
 23 Medicaid program before the applica-  
 24 tion of any expense, block, or other in-  
 25 come disregard, that does not exceed

1 133 percent of the poverty line (as de-  
2 fined in section 673(2) of the Commu-  
3 nity Services Block Grant Act (42  
4 U.S.C. 9902(2), including any revision  
5 required by such section)) applicable  
6 to a family of the size used for pur-  
7 poses of determining eligibility for the  
8 Medicaid program; or

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

15 “(ii) MEDICAID PROGRAM.—The term  
16 ‘Medicaid program’ means the program of  
17 medical assistance established under title  
18 XIX of the Social Security Act (42 U.S.C.  
19 1396 et seq.).

20 “(B) DEMONSTRATION PROJECT.—

21 “(i) IN GENERAL.—The Secretary,  
22 acting through the Administrator of the  
23 Food and Nutrition Service and in co-  
24 operation with selected State agencies,  
25 shall conduct a demonstration project in

1 selected local educational agencies to deter-  
2 mine whether direct certification of eligible  
3 children is an effective method of certifying  
4 children for free lunches and breakfasts  
5 under section 9(b)(1)(A) of this Act and  
6 section 4(e)(1)(A) of the Child Nutrition  
7 Act of 1966 (42 U.S.C. 1773(e)(1)(A)).

8 “(ii) SCOPE OF PROJECT.—The Sec-  
9 retary shall carry out the demonstration  
10 project under this subparagraph—

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

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

1           “(III) for the school year begin-  
2           ning July 1, 2014, and each subse-  
3           quent school year, in selected local  
4           educational agencies that collectively  
5           serve 10 percent of students certified  
6           for free and reduced price meals na-  
7           tionwide, based on the most recent  
8           available data.

9           “(iii) PURPOSES OF THE PROJECT.—  
10          At a minimum, the purposes of the dem-  
11          onstration project shall be—

12                 “(I) to determine the potential of  
13                 direct certification with the Medicaid  
14                 program to reach children who are eli-  
15                 gible for free meals but not certified  
16                 to receive the meals;

17                 “(II) to determine the potential  
18                 of direct certification with the Med-  
19                 icaid program to directly certify chil-  
20                 dren who are enrolled for free meals  
21                 based on a household application; and

22                 “(III) to provide an estimate of  
23                 the effect on Federal costs and on  
24                 participation in the school lunch pro-  
25                 gram under this Act and the school



1 breakfast program established by sec-  
2 tion 4 of the Child Nutrition Act of  
3 1966 (42 U.S.C. 1773) of direct cer-  
4 tification with the Medicaid program.

5 “(iv) COST ESTIMATE.—For each of 2  
6 school years of the demonstration project,  
7 the Secretary shall estimate the cost of the  
8 direct certification of eligible children for  
9 free school meals through data derived  
10 from—

11 “(I) the school meal programs  
12 authorized under this Act and the  
13 Child Nutrition Act of 1966 (42  
14 U.S.C. 1771 et seq.);

15 “(II) the Medicaid program; and

16 “(III) interviews with a statis-  
17 tically representative sample of house-  
18 holds.

19 “(C) AGREEMENT.—

20 “(i) IN GENERAL.—Not later than  
21 July 1 of the first school year during  
22 which a State agency will participate in the  
23 demonstration project, the State agency  
24 shall enter into an agreement with the 1 or

1 more State agencies conducting eligibility  
2 determinations for the Medicaid program.

3 “(ii) WITHOUT FURTHER APPLICA-  
4 TION.—Subject to paragraph (6), the  
5 agreement described in subparagraph (D)  
6 shall establish procedures under which an  
7 eligible child shall be certified for free  
8 lunches under this Act and free breakfasts  
9 under section 4 of the Child Nutrition Act  
10 of 1966 (42 U.S.C. 1773), without further  
11 application (as defined in paragraph  
12 (4)(G)).

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

23 “(E) SITE SELECTION.—

24 “(i) IN GENERAL.—To be eligible to  
25 participate in the demonstration project

1 under this subsection, a State agency shall  
2 submit to the Secretary an application at  
3 such time, in such manner, and containing  
4 such information as the Secretary may re-  
5 quire.

6 “(ii) CONSIDERATIONS.—In selecting  
7 States and local educational agencies for  
8 participation in the demonstration project,  
9 the Secretary may take into consideration  
10 such factors as the Secretary considers to  
11 be appropriate, which may include—

12 “(I) the rate of direct certifi-  
13 cation;

14 “(II) the share of individuals who  
15 are eligible for benefits under the sup-  
16 plemental nutrition assistance pro-  
17 gram established under the Food and  
18 Nutrition Act of 2008 (7 U.S.C. 2011  
19 et seq.) who participate in the pro-  
20 gram, as determined by the Secretary;

21 “(III) the income eligibility limit  
22 for the Medicaid program;

23 “(IV) the feasibility of matching  
24 data between local educational agen-  
25 cies and the Medicaid program;

1                   “(V) the socioeconomic profile of  
2                   the State or local educational agen-  
3                   cies; and

4                   “(VI) the willingness of the State  
5                   and local educational agencies to com-  
6                   ply with the requirements of the dem-  
7                   onstration project.

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

11                  “(i) educational and other records of  
12                  State and local educational and other  
13                  agencies and institutions receiving funding  
14                  or providing benefits for 1 or more pro-  
15                  grams authorized under this Act or the  
16                  Child Nutrition Act of 1966 (42 U.S.C.  
17                  1771 et seq.); and

18                  “(ii) income and program participa-  
19                  tion information from public agencies ad-  
20                  ministering the Medicaid program.

21                  “(G) REPORT TO CONGRESS.—

22                  “(i) IN GENERAL.—Not later than Oc-  
23                  tober 1, 2014, the Secretary shall submit  
24                  to the Committee on Education and Labor  
25                  of the House of Representatives and the

1 Committee on Agriculture, Nutrition, and  
2 Forestry of the Senate, an interim report  
3 that describes the results of the dem-  
4 onstration project required under this  
5 paragraph.

6 “(ii) FINAL REPORT.—Not later than  
7 October 1, 2015, the Secretary shall sub-  
8 mit a final report to the committees de-  
9 scribed in clause (i).

10 “(H) FUNDING.—

11 “(i) IN GENERAL.—On October 1,  
12 2010, out of any funds in the Treasury not  
13 otherwise appropriated, the Secretary of  
14 the Treasury shall transfer to the Sec-  
15 retary to carry out subparagraph (G)  
16 \$5,000,000, to remain available until ex-  
17 pended.

18 “(ii) RECEIPT AND ACCEPTANCE.—  
19 The Secretary shall be entitled to receive,  
20 shall accept, and shall use to carry out  
21 subparagraph (G) the funds transferred  
22 under clause (i), without further appro-  
23 priation.”.

1 (b) DOCUMENTATION.—Section 9(d)(2) of the Rich-  
2 ard B. Russell National School Lunch Act (42 U.S.C.  
3 1758(d)(2)) (as amended by section 102(c)) is amended—

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

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

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

9 “(G) documentation has been provided to  
10 the appropriate local educational agency show-  
11 ing the status of the child as an eligible child  
12 (as defined in subsection (b)(15)(A)).”.

13 (c) AGREEMENT FOR DIRECT CERTIFICATION AND  
14 COOPERATION BY STATE MEDICAID AGENCIES.—

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

18 “(7) provide—

19 “(A) safeguards which restrict the use or  
20 disclosure of information concerning applicants  
21 and recipients to purposes directly connected  
22 with—

23 “(i) the administration of the plan;

24 and

1           “(ii) the exchange of information nec-  
2           essary to certify or verify the certification  
3           of eligibility of children for free or reduced  
4           price breakfasts under the Child Nutrition  
5           Act of 1966 and free or reduced price  
6           lunches under the Richard B. Russell Na-  
7           tional School Lunch Act, in accordance  
8           with section 9(b) of that Act, using data  
9           standards and formats established by the  
10          State agency; and

11          “(B) that, notwithstanding the Express  
12          Lane option under subsection (e)(13), the State  
13          may enter into an agreement with the State  
14          agency administering the school lunch program  
15          established under the Richard B. Russell Na-  
16          tional School Lunch Act under which the State  
17          shall establish procedures to ensure that—

18                 “(i) a child receiving medical assist-  
19                 ance under the State plan under this title  
20                 whose family income does not exceed 133  
21                 percent of the poverty line (as defined in  
22                 section 673(2) of the Community Services  
23                 Block Grant Act, including any revision re-  
24                 quired by such section), as determined  
25                 without regard to any expense, block, or

1 other income disregard, applicable to a  
2 family of the size involved, may be certified  
3 as eligible for free lunches under the Rich-  
4 ard B. Russell National School Lunch Act  
5 and free breakfasts under the Child Nutri-  
6 tion Act of 1966 without further applica-  
7 tion; and

8 “(ii) the State agencies responsible for  
9 administering the State plan under this  
10 title, and for carrying out the school lunch  
11 program established under the Richard B.  
12 Russell National School Lunch Act (42  
13 U.S.C. 1751 et seq.) or the school break-  
14 fast program established by section 4 of  
15 the Child Nutrition Act of 1966 (42  
16 U.S.C. 1773), cooperate in carrying out  
17 paragraphs (3)(F) and (15) of section 9(b)  
18 of that Act;”.

19 (2) EFFECTIVE DATE.—

20 (A) IN GENERAL.—Except as provided in  
21 subparagraph (B), the amendments made by  
22 this subsection shall take effect on the date of  
23 enactment of this Act.

24 (B) EXTENSION OF EFFECTIVE DATE FOR  
25 STATE LAW AMENDMENT.—In the case of a



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

20 (d) CONFORMING AMENDMENTS.—Section 444(b)(1)  
21 of the General Education Provisions Act (20 U.S.C.  
22 1232g(b)(1)) is amended—

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

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

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

4           “(K) the Secretary of Agriculture, or authorized  
5           representative from the Food and Nutrition Service  
6           or contractors acting on behalf of the Food and Nu-  
7           trition Service, for the purposes of conducting pro-  
8           gram monitoring, evaluations, and performance  
9           measurements of State and local educational and  
10          other agencies and institutions receiving funding or  
11          providing benefits of 1 or more programs authorized  
12          under the Richard B. Russell National School Lunch  
13          Act (42 U.S.C. 1751 et seq.) or the Child Nutrition  
14          Act of 1966 (42 U.S.C. 1771 et seq.) for which the  
15          results will be reported in an aggregate form that  
16          does not identify any individual, on the conditions  
17          that—

18                 “(i) any data collected under this subpara-  
19                 graph shall be protected in a manner that will  
20                 not permit the personal identification of stu-  
21                 dents and their parents by other than the au-  
22                 thorized representatives of the Secretary; and

23                 “(ii) any personally identifiable data shall  
24                 be destroyed when the data are no longer need-

1 ed for program monitoring, evaluations, and  
 2 performance measurements.”.

3 **SEC. 104. ELIMINATING INDIVIDUAL APPLICATIONS**  
 4 **THROUGH COMMUNITY ELIGIBILITY.**

5 (a) **UNIVERSAL MEAL SERVICE IN HIGH POVERTY**  
 6 **AREAS.—**

7 (1) **ELIGIBILITY.—**Section 11(a)(1) of the  
 8 Richard B. Russell National School Lunch Act (42  
 9 U.S.C. 1759a(a)(1)) is amended by adding at the  
 10 end the following:

11 “(F) **UNIVERSAL MEAL SERVICE IN HIGH**  
 12 **POVERTY AREAS.—**

13 “(i) **DEFINITION OF IDENTIFIED STU-**  
 14 **DENTS.—**The term ‘identified students’  
 15 means students certified based on docu-  
 16 mentation of benefit receipt or categorical  
 17 eligibility as described in section  
 18 245.6a(c)(2) of title 7, Code of Federal  
 19 Regulations (or successor regulations).

20 “(ii) **ELECTION OF SPECIAL ASSIST-**  
 21 **ANCE PAYMENTS.—**

22 “(I) **IN GENERAL.—**A local edu-  
 23 cational agency may, for all schools in  
 24 the district or on behalf of certain  
 25 schools in the district, elect to receive

1 special assistance payments under this  
2 subparagraph in lieu of special assist-  
3 ance payments otherwise made avail-  
4 able under this paragraph based on  
5 applications for free and reduced price  
6 lunches if—

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

18 “(bb) the local educational  
19 agency pays, from sources other  
20 than Federal funds, the costs of  
21 serving the lunches or breakfasts  
22 that are in excess of the value of  
23 assistance received under this Act  
24 and the Child Nutrition Act of  
25 1966 (42 U.S.C. 1771 et seq.);

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

“(dd) during the school year prior to the first year of the period for which the local educational agency elects to receive special assistance payments under this subparagraph, the local educational agency or school had a percentage of enrolled students who were identified students that meets or exceeds the threshold described in clause (viii).

“(II) ELECTION TO STOP RECEIVING PAYMENTS.—A local educational agency may, for all schools in the district or on behalf of certain schools in the district, elect to stop receiving special assistance payments under this subparagraph for the fol-

1           lowing school year by notifying the  
2           State agency not later than June 30  
3           of the current school year of the in-  
4           tention to stop receiving special assist-  
5           ance payments under this subpara-  
6           graph.

7           “(iii) FIRST YEAR OF OPTION.—

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

20                           “(aa) the multiplier de-  
21                           scribed in clause (vii); by

22                           “(bb) the percentage of  
23                           identified students at the school  
24                           or local educational agency as of

1 April 1 of the prior school year,  
2 up to a maximum of 100 percent.

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

8 “(iv) SECOND, THIRD, OR FOURTH  
9 YEAR OF OPTION.—

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

22 “(aa) the multiplier de-  
23 scribed in clause (vii); by

24 “(bb) the higher of the per-  
25 centage of identified students at

1 the school or local educational  
2 agency as of April 1 of the prior  
3 school year or the percentage of  
4 identified students at the school  
5 or local educational agency as of  
6 April 1 of the school year prior to  
7 the first year that the school or  
8 local educational agency elected  
9 to receive special assistance pay-  
10 ments under this subparagraph,  
11 up to a maximum of 100 percent.

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

17 “(V) GRACE YEAR.—

18 “(I) IN GENERAL.—If, not later  
19 than April 1 of the fourth year of a  
20 4-year period described in clause  
21 (ii)(I), a school or local educational  
22 agency has a percentage of enrolled  
23 students who are identified students  
24 that meets or exceeds a percentage  
25 that is 10 percentage points lower



1 than the threshold described in clause  
2 (viii), the school or local educational  
3 agency may elect to receive special as-  
4 sistance payments under subclause  
5 (II) for an additional grace year.

6 “(II) SPECIAL ASSISTANCE PAY-  
7 MENT.—For each month of a grace  
8 year, special assistance payments at  
9 the rate for free meals shall be made  
10 under this subparagraph for a per-  
11 centage of all reimbursable meals  
12 served in an amount equal to the  
13 product obtained by multiplying—

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

1           “(vi) APPLICATIONS.—A school or  
2 local educational agency that receives spe-  
3 cial assistance payments under this sub-  
4 paragraph may not be required to collect  
5 applications for free and reduced price  
6 lunches.

7           “(vii) MULTIPLIER.—

8                 “(I) PHASE-IN.—For each school  
9 year beginning on or before July 1,  
10 2013, the multiplier shall be 1.6.

11                 “(II) FULL IMPLEMENTATION.—

12 For each school year beginning on or  
13 after July 1, 2014, the Secretary may  
14 use, as determined by the Secretary—

15                     “(aa) a multiplier between  
16 1.3 and 1.6; and

17                     “(bb) subject to item (aa), a  
18 different multiplier for different  
19 schools or local educational agen-  
20 cies.

21           “(viii) THRESHOLD.—

22                 “(I) PHASE-IN.—For each school  
23 year beginning on or before July 1,  
24 2013, the threshold shall be 40 per-  
25 cent.

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“(II) FULL IMPLEMENTATION.—

For each school year beginning on or after July 1, 2014, the Secretary may use a threshold that is less than 40 percent.

“(ix) PHASE-IN.—

“(I) IN GENERAL.—In selecting States for participation during the phase-in period, the Secretary shall select States with an adequate number and variety of schools and local educational agencies that could benefit from the option under this subparagraph, as determined by the Secretary.

“(II) LIMITATION.—The Secretary may not approve additional schools and local educational agencies to receive special assistance payments under this subparagraph after the Secretary has approved schools and local educational agencies in—

“(aa) for the school year beginning on July 1, 2011, 3 States; and

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

5                   “(x) ELECTION OF OPTION.—

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

21                  “(II) STATE AGENCY NOTIFICA-  
22                  TION.—Not later than May 1 of each  
23                  school year beginning on or after July  
24                  1, 2011, each State agency with  
25                  schools or local educational agencies

1 that may be eligible to elect to receive  
2 special assistance payments under this  
3 subparagraph shall notify—

4 “(aa) each local educational  
5 agency that meets or exceeds the  
6 threshold described in clause  
7 (viii) that the local educational  
8 agency is eligible to elect to re-  
9 ceive special assistance payments  
10 under clause (iii) for the next 4  
11 school years, of the blended reim-  
12 bursement rate the local edu-  
13 cational agency would receive  
14 under clause (iii), and of the pro-  
15 cedures for the local educational  
16 agency to make the election;

17 “(bb) each local educational  
18 agency that receives special as-  
19 sistance payments under clause  
20 (iii) of the blended reimburse-  
21 ment rate the local educational  
22 agency would receive under  
23 clause (iv);

24 “(cc) each local educational  
25 agency in the fourth year of

1 electing to receive special assist-  
2 ance payments under this sub-  
3 paragraph that meets or exceeds  
4 a percentage that is 10 percent-  
5 age points lower than the thresh-  
6 old described in clause (viii) and  
7 that receives special assistance  
8 payments under clause (iv), that  
9 the local educational agency may  
10 continue to receive such pay-  
11 ments for the next school year, of  
12 the blended reimbursement rate  
13 the local educational agency  
14 would receive under clause (v),  
15 and of the procedures for the  
16 local educational agency to make  
17 the election; and

18 “(dd) each local educational  
19 agency that meets or exceeds a  
20 percentage that is 10 percentage  
21 points lower than the threshold  
22 described in clause (viii) that the  
23 local educational agency may be  
24 eligible to elect to receive special  
25 assistance payments under clause

1 (iii) if the threshold described in  
2 clause (viii) is met by April 1 of  
3 the school year or if the thresh-  
4 old is met for a subsequent  
5 school year.

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

19 “(IV) PUBLIC NOTIFICATION OF  
20 SCHOOLS.—Not later than May 1 of  
21 each school year beginning on or after  
22 July 1, 2011, each local educational  
23 agency in a State with 1 or more  
24 schools eligible to elect to receive spe-  
25 cial assistance payments under clause

1 (iii) shall submit to the State agency,  
2 and the State agency shall publish—

3 “(aa) a list of the schools  
4 that meet or exceed the threshold  
5 described in clause (viii);

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

14 “(cc) a list of the schools  
15 that meet or exceed a percentage  
16 that is 10 percentage points  
17 lower than the threshold de-  
18 scribed in clause (viii).

19 “(xi) IMPLEMENTATION.—

20 “(I) GUIDANCE.—Not later than  
21 90 days after the date of enactment of  
22 this subparagraph, the Secretary shall  
23 issue guidance to implement this sub-  
24 paragraph.



1           “(II) REGULATIONS.—Not later  
2 than December 31, 2013, the Sec-  
3 retary shall promulgate regulations  
4 that establish procedures for State  
5 agencies, local educational agencies,  
6 and schools to meet the requirements  
7 of this subparagraph, including exer-  
8 cising the option described in this sub-  
9 paragraph.

10           “(III) PUBLICATION.—If the  
11 Secretary uses the authority provided  
12 in clause (vii)(II)(bb) to use a dif-  
13 ferent multiplier for different schools  
14 or local educational agencies, for each  
15 school year beginning on or after July  
16 1, 2014, not later than April 1, 2014,  
17 the Secretary shall publish on the  
18 website of the Secretary a table that  
19 indicates—

20           “(aa) each local educational  
21 agency that may elect to receive  
22 special assistance payments  
23 under clause (ii);

24           “(bb) the blended reimburse-  
25 ment rate that each local edu-

1 educational agency would receive;  
2 and

3 “(cc) an explanation of the  
4 methodology used to calculate the  
5 multiplier or threshold for each  
6 school or local educational agen-  
7 cy.

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

11 “(I) an estimate of the number  
12 of schools and local educational agen-  
13 cies eligible to elect to receive special  
14 assistance payments under this sub-  
15 paragraph that do not elect to receive  
16 the payments;

17 “(II) for schools and local edu-  
18 cational agencies described in sub-  
19 clause (I)—

20 “(aa) barriers to participa-  
21 tion in the special assistance op-  
22 tion under this subparagraph, as  
23 described by the nonparticipating  
24 schools and local educational  
25 agencies; and

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“(bb) changes to the special assistance option under this subparagraph that would make eligible schools and local educational agencies more likely to elect to receive special assistance payments;

“(III) for schools and local educational agencies that elect to receive special assistance payments under this subparagraph—

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

“(bb) an estimate of the percentage of identified students and the percentage of enrolled students who were certified to receive free or reduced price meals in the school year prior to the election to receive special assistance payments under this subparagraph, and a description of how the ratio between those percentages compares to 1.6;

1           “(cc) an estimate of the  
2           number and share of schools and  
3           local educational agencies in  
4           which more than 80 percent of  
5           students are certified for free or  
6           reduced price meals that elect to  
7           receive special assistance pay-  
8           ments under that clause; and

9           “(dd) whether any of the  
10          schools or local educational agen-  
11          cies stopped electing to receive  
12          special assistance payments  
13          under this subparagraph;

14          “(IV) the impact of electing to  
15          receive special assistance payments  
16          under this subparagraph on—

17                 “(aa) program integrity;

18                 “(bb) whether a breakfast  
19                 program is offered;

20                 “(cc) the type of breakfast  
21                 program offered;

22                 “(dd) the nutritional quality  
23                 of school meals; and

24                 “(ee) program participation;  
25                 and

1           “(V) the multiplier and thresh-  
2           old, as described in clauses (vii) and  
3           (viii) respectively, that the Secretary  
4           will use for each school year beginning  
5           on or after July 1, 2014 and the ra-  
6           tionale for any change in the multi-  
7           plier or threshold.

8           “(xiii) FUNDING.—

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

16                   “(II) RECEIPT AND ACCEPT-  
17                  ANCE.—The Secretary shall be enti-  
18                  tled to receive, shall accept, and shall  
19                  use to carry out clause (xii) the funds  
20                  transferred under subclause (I), with-  
21                  out further appropriation.”.

22           (2) CONFORMING AMENDMENTS.—Section  
23           11(a)(1)(B) of the Richard B. Russell National  
24           School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is

1 amended by striking “or (E)” and inserting “(E), or  
2 (F)”.

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

7 “(g) UNIVERSAL MEAL SERVICE THROUGH CENSUS  
8 DATA.—

9 “(1) IN GENERAL.—To the maximum extent  
10 practicable, the Secretary shall identify alternatives  
11 to—

12 “(A) the daily counting by category of  
13 meals provided by school lunch programs under  
14 this Act and the school breakfast program es-  
15 tablished by section 4 of the Child Nutrition  
16 Act of 1966 (42 U.S.C. 1773); and

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

20 “(2) RECOMMENDATIONS.—

21 “(A) CONSIDERATIONS.—

22 “(i) IN GENERAL.—In identifying al-  
23 ternatives under paragraph (1), the Sec-  
24 retary shall consider the recommendations  
25 of the Committee on National Statistics of

1 the National Academy of Sciences relating  
2 to use of the American Community Survey  
3 of the Bureau of the Census and other  
4 data sources.

5 “(ii) SOCIOECONOMIC SURVEY.—The  
6 Secretary shall consider use of a periodic  
7 socioeconomic survey of households of chil-  
8 dren attending school in the school food  
9 authority in not more than 3 school food  
10 authorities participating in the school  
11 lunch program under this Act.

12 “(iii) SURVEY PARAMETERS.—The  
13 Secretary shall establish requirements for  
14 the use of a socioeconomic survey under  
15 clause (ii), which shall—

16 “(I) include criteria for survey  
17 design, sample frame validity, min-  
18 imum level of statistical precision,  
19 minimum survey response rates, fre-  
20 quency of data collection, and other  
21 criteria as determined by the Sec-  
22 retary;

23 “(II) be consistent with the  
24 Standards and Guidelines for Statis-

1 tical Surveys, as published by the Of-  
2 fice of Management and Budget;

3 “(III) be consistent with stand-  
4 ards and requirements that ensure  
5 proper use of Federal funds; and

6 “(IV) specify that the socio-  
7 economic survey be conducted at least  
8 once every 4 years.

9 “(B) USE OF ALTERNATIVES.—Alter-  
10 natives described in subparagraph (A) that pro-  
11 vide accurate and effective means of providing  
12 meal reimbursement consistent with the eligi-  
13 bility status of students may be—

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

16 “(I) to serve all breakfasts and  
17 lunches to students at no cost in ac-  
18 cordance with regulations issued by  
19 the Secretary; and

20 “(II) to pay, from sources other  
21 than Federal funds, the costs of serv-  
22 ing any lunches and breakfasts that  
23 are in excess of the value of assistance  
24 received under this Act or the Child  
25 Nutrition Act of 1966 (42 U.S.C.



1           1771 et seq.) with respect to the num-  
2           ber of lunches and breakfasts served  
3           during the applicable period; or

4           “(ii) further tested through dem-  
5           onstration projects carried out by the Sec-  
6           retary in accordance with subparagraph  
7           (C).

8           “(C) DEMONSTRATION PROJECTS.—

9           “(i) IN GENERAL.—For the purpose  
10          of carrying out demonstration projects de-  
11          scribed in subparagraph (B), the Secretary  
12          may waive any requirement of this Act re-  
13          lating to—

14               “(I) counting of meals provided  
15               by school lunch or breakfast pro-  
16               grams;

17               “(II) applications for eligibility  
18               for free or reduced priced meals; or

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

21           “(ii) NUMBER OF PROJECTS.—The  
22          Secretary shall carry out demonstration  
23          projects under this paragraph in not more  
24          than 5 local educational agencies for each  
25          alternative model that is being tested.

1           “(iii) LIMITATION.—A demonstration  
2 project carried out under this paragraph  
3 shall have a duration of not more than 3  
4 years.

5           “(iv) EVALUATION.—The Secretary  
6 shall evaluate each demonstration project  
7 carried out under this paragraph in ac-  
8 cordance with procedures established by  
9 the Secretary.

10           “(v) REQUIREMENT.—In carrying out  
11 evaluations under clause (iv), the Secretary  
12 shall evaluate, using comparisons with  
13 local educational agencies with similar de-  
14 mographic characteristics—

15           “(I) the accuracy of the 1 or  
16 more methodologies adopted as com-  
17 pared to the daily counting by cat-  
18 egory of meals provided by school  
19 meal programs under this Act or the  
20 Child Nutrition Act of 1966 (42  
21 U.S.C. 1771 et seq.) and the use of  
22 annual applications as the basis for  
23 eligibility to receive free or reduced  
24 price meals under those Acts;

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

4                   “(III) the effect of the 1 or more  
5                   methodologies adopted on administra-  
6                   tion of programs under those Acts;  
7                   and

8                   “(IV) such other matters as the  
9                   Secretary determines to be appro-  
10                  priate.”.

11 **SEC. 105. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST**  
12 **PROGRAMS.**

13           The Child Nutrition Act of 1966 (42 U.S.C. 1771  
14 et seq.) is amended by adding at the end the following:

15 **“SEC. 23. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST**  
16 **PROGRAMS.**

17           “(a) DEFINITION OF QUALIFYING SCHOOL.—In this  
18 section, the term ‘qualifying school’ means a school in se-  
19 vere need, as described in section 4(d)(1).

20           “(b) ESTABLISHMENT.—Subject to the availability of  
21 appropriations provided in advance in an appropriations  
22 Act specifically for the purpose of carrying out this sec-  
23 tion, the Secretary shall establish a program under which  
24 the Secretary shall provide grants, on a competitive basis,  
25 to State educational agencies for the purpose of providing

1 subgrants to local educational agencies for qualifying  
2 schools to establish, maintain, or expand the school break-  
3 fast program in accordance with this section.

4 “(c) GRANTS TO STATE EDUCATIONAL AGENCIES.—

5 “(1) APPLICATION.—To be eligible to receive a  
6 grant under this section, a State educational agency  
7 shall submit to the Secretary an application at such  
8 time, in such manner, and containing such informa-  
9 tion as the Secretary may require.

10 “(2) ADMINISTRATION.—In carrying out this  
11 section, the Secretary shall—

12 “(A) develop an appropriate competitive  
13 application process; and

14 “(B) make information available to State  
15 educational agencies concerning the availability  
16 of funds under this section.

17 “(3) ALLOCATION.—The amount of grants pro-  
18 vided by the Secretary to State educational agencies  
19 for a fiscal year under this section shall not exceed  
20 the lesser of—

21 “(A) the product obtained by multi-  
22 plying—

23 “(i) the number of qualifying schools  
24 receiving subgrants or other benefits under  
25 subsection (d) for the fiscal year; and

1                   “(ii) the maximum amount of a  
2                   subgrant provided to a qualifying school  
3                   under subsection (d)(4)(B); or  
4                   “(B) \$2,000,000.

5                   “(d) SUBGRANTS TO QUALIFYING SCHOOLS.—

6                   “(1) IN GENERAL.—A State educational agency  
7                   receiving a grant under this section shall use funds  
8                   made available under the grant to award subgrants  
9                   to local educational agencies for a qualifying school  
10                  or groups of qualifying schools to carry out activities  
11                  in accordance with this section.

12                  “(2) PRIORITY.—In awarding subgrants under  
13                  this subsection, a State educational agency shall give  
14                  priority to local educational agencies with qualifying  
15                  schools in which at least 75 percent of the students  
16                  are eligible for free or reduced price school lunches  
17                  under the school lunch program established under  
18                  the Richard B. Russell National School Lunch Act  
19                  (42 U.S.C. 1751 et seq.).

20                  “(3) STATE AND DISTRICT TRAINING AND  
21                  TECHNICAL SUPPORT.—A local educational agency  
22                  or State educational agency may allocate a portion  
23                  of each subgrant to provide training and technical  
24                  assistance to the staff of qualifying schools to carry  
25                  out the purposes of this section.

1           “(4) AMOUNT; TERM.—

2                   “(A) IN GENERAL.—Except as otherwise  
3           provided in this paragraph, a subgrant provided  
4           by a State educational agency to a local edu-  
5           cational agency or qualifying school under this  
6           section shall be in such amount, and shall be  
7           provided for such term, as the State educational  
8           agency determines appropriate.

9                   “(B) MAXIMUM AMOUNT.—The amount of  
10           a subgrant provided by a State educational  
11           agency to a local educational agency for a quali-  
12           fying school or a group of qualifying schools  
13           under this subsection shall not exceed \$10,000  
14           for each school year.

15                   “(C) MAXIMUM GRANT TERM.—A local  
16           educational agency or State educational agency  
17           shall not provide subgrants to a qualifying  
18           school under this subsection for more than 2  
19           fiscal years.

20           “(e) BEST PRACTICES.—

21                   “(1) IN GENERAL.—Prior to awarding grants  
22           under this section, the Secretary shall make avail-  
23           able to State educational agencies information re-  
24           garding the most effective mechanisms by which to

1 increase school breakfast participation among eligi-  
2 ble children at qualifying schools.

3 “(2) PREFERENCE.—In awarding subgrants  
4 under this section, a State educational agency shall  
5 give preference to local educational agencies for  
6 qualifying schools or groups of qualifying schools  
7 that have adopted, or provide assurances that the  
8 subgrant funds will be used to adopt, the most effec-  
9 tive mechanisms identified by the Secretary under  
10 paragraph (1).

11 “(f) USE OF FUNDS.—

12 “(1) IN GENERAL.—A qualifying school may  
13 use a grant provided under this section—

14 “(A) to establish, promote, or expand a  
15 school breakfast program of the qualifying  
16 school under this section, which shall include a  
17 nutritional education component;

18 “(B) to extend the period during which  
19 school breakfast is available at the qualifying  
20 school;

21 “(C) to provide school breakfast to stu-  
22 dents of the qualifying school during the school  
23 day; or

24 “(D) for other appropriate purposes, as de-  
25 termined by the Secretary.

1           “(2) REQUIREMENT.—Each activity of a quali-  
2           fying school under this subsection shall be carried  
3           out in accordance with applicable nutritional guide-  
4           lines and regulations issued by the Secretary.

5           “(g) MAINTENANCE OF EFFORT.—Grants made  
6           available under this section shall not diminish or otherwise  
7           affect the expenditure of funds from State and local  
8           sources for the maintenance of the school breakfast pro-  
9           gram.

10          “(h) REPORTS.—Not later than 18 months following  
11          the end of a school year during which subgrants are  
12          awarded under this section, the Secretary shall submit to  
13          Congress a report describing the activities of the quali-  
14          fying schools awarded subgrants.

15          “(i) EVALUATION.—Not later than 180 days before  
16          the end of a grant term under this section, a local edu-  
17          cational agency that receives a subgrant under this section  
18          shall—

19                 “(1) evaluate whether electing to provide uni-  
20                 versal free breakfasts under the school breakfast  
21                 program in accordance with Provision 2 as estab-  
22                 lished under subsections (b) through (k) of section  
23                 245.9 of title 7, Code of Federal Regulations (or  
24                 successor regulations), would be cost-effective for the



1 qualified schools based on estimated administrative  
2 savings and economies of scale; and

3 “(2) submit the results of the evaluation to the  
4 State educational agency.

5 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to carry out this section  
7 such sums as are necessary for each of fiscal years 2010  
8 through 2015.”.

## 9 **Subtitle B—Summer Food Service** 10 **Program**

### 11 **SEC. 111. ALIGNMENT OF ELIGIBILITY RULES FOR PUBLIC** 12 **AND PRIVATE SPONSORS.**

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

16 “(7) PRIVATE NONPROFIT ORGANIZATIONS.—

17 “(A) DEFINITION OF PRIVATE NONPROFIT  
18 ORGANIZATION.—In this paragraph, the term  
19 ‘private nonprofit organization’ means an orga-  
20 nization that—

21 “(i) exercises full control and author-  
22 ity over the operation of the program at all  
23 sites under the sponsorship of the organi-  
24 zation;

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

3 “(iii) demonstrates that the organiza-  
4 tion has adequate management and the fis-  
5 cal capacity to operate a program under  
6 this section;

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

11 “(v) meets applicable State and local  
12 health, safety, and sanitation standards.

13 “(B) ELIGIBILITY.—Private nonprofit or-  
14 ganizations (other than organizations eligible  
15 under paragraph (1)) shall be eligible for the  
16 program under the same terms and conditions  
17 as other service institutions.”.

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

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

22 “(11) OUTREACH TO ELIGIBLE FAMILIES.—

23 “(A) IN GENERAL.—The Secretary shall  
24 require each State agency that administers the  
25 national school lunch program under this Act to

1 ensure that, to the maximum extent practicable,  
2 school food authorities participating in the  
3 school lunch program under this Act cooperate  
4 with participating service institutions to dis-  
5 tribute materials to inform families of—

6 “(i) the availability and location of  
7 summer food service program meals; and

8 “(ii) the availability of reimbursable  
9 breakfasts served under the school break-  
10 fast program established by section 4 of  
11 the Child Nutrition Act of 1966 (42  
12 U.S.C. 1773).

13 “(B) INCLUSIONS.—Informational activi-  
14 ties carried out under subparagraph (A) may  
15 include—

16 “(i) the development or dissemination  
17 of printed materials, to be distributed to  
18 all school children or the families of school  
19 children prior to the end of the school  
20 year, that inform families of the avail-  
21 ability and location of summer food service  
22 program meals;

23 “(ii) the development or dissemination  
24 of materials, to be distributed using elec-  
25 tronic means to all school children or the

1 families of school children prior to the end  
2 of the school year, that inform families of  
3 the availability and location of summer  
4 food service program meals; and

5 “(iii) such other activities as are ap-  
6 proved by the applicable State agency to  
7 promote the availability and location of  
8 summer food service program meals to  
9 school children and the families of school  
10 children.

11 “(C) MULTIPLE STATE AGENCIES.—If the  
12 State agency administering the program under  
13 this section is not the same State agency that  
14 administers the school lunch program under  
15 this Act, the 2 State agencies shall work coop-  
16 eratively to implement this paragraph.”.

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

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

22 “(12) SUMMER FOOD SERVICE SUPPORT  
23 GRANTS.—

24 “(A) IN GENERAL.—The Secretary shall  
25 use funds made available to carry out this para-

1 graph to award grants on a competitive basis to  
2 State agencies to provide to eligible service in-  
3 stitutions—

4 “(i) technical assistance;

5 “(ii) assistance with site improvement  
6 costs; or

7 “(iii) other innovative activities that  
8 improve and encourage sponsor retention.

9 “(B) ELIGIBILITY.—To be eligible to re-  
10 ceive a grant under this paragraph, a State  
11 agency shall submit an application to the Sec-  
12 retary in such manner, at such time, and con-  
13 taining such information as the Secretary may  
14 require.

15 “(C) PRIORITY.—In making grants under  
16 this paragraph, the Secretary shall give priority  
17 to—

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

20 “(ii) State plans that demonstrate in-  
21 novative approaches to retain and support  
22 summer food service programs after the  
23 expiration of the start-up funding grants.

24 “(D) USE OF FUNDS.—A State and eligi-  
25 ble service institution may use funds made

1 available under this paragraph to pay for such  
2 costs as the Secretary determines are necessary  
3 to establish and maintain summer food service  
4 programs.

5 “(E) REALLOCATION.—The Secretary may  
6 reallocate any amounts made available to carry  
7 out this paragraph that are not obligated or ex-  
8 pended, as determined by the Secretary.

9 “(F) AUTHORIZATION OF APPROPRIA-  
10 TIONS.—There is authorized to be appropriated  
11 to carry out this paragraph \$20,000,000 for fis-  
12 cal years 2011 through 2015.”.

### 13 **Subtitle C—Child and Adult Care** 14 **Food Program**

#### 15 **SEC. 121. SIMPLIFYING AREA ELIGIBILITY DETERMINA-** 16 **TIONS IN THE CHILD AND ADULT CARE FOOD** 17 **PROGRAM.**

18 Section 17(f)(3)(A)(ii)(I)(bb) of the Richard B. Rus-  
19 sell National School Lunch Act (42 U.S.C.  
20 1766(f)(3)(A)(ii)(I)(bb)) is amended by striking “elemen-  
21 tary”.

1 **SEC. 122. EXPANSION OF AFTERSCHOOL MEALS FOR AT-**  
2 **RISK CHILDREN.**

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

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

10 “(6) HANDBOOK.—

11 “(A) IN GENERAL.—Not later than 180  
12 days after the date of enactment of the  
13 Healthy, Hunger-Free Kids Act of 2010, the  
14 Secretary shall—

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

17 “(ii) publish a handbook reflecting  
18 those guidelines.

19 “(B) REVIEW.—Each year after the  
20 issuance of guidelines under subparagraph (A),  
21 the Secretary shall—

22 “(i) review the guidelines; and

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

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

4 **SEC. 131. CERTIFICATION PERIODS.**

5 Section 17(d)(3)(A) of the Child Nutrition Act of  
6 1966 (42 U.S.C. 1786(d)(3)(A)) is amended by adding at  
7 the end the following:

8 “(iii) CHILDREN.—A State may elect  
9 to certify participant children for a period  
10 of up to 1 year, if the State electing the  
11 option provided under this clause ensures  
12 that participant children receive required  
13 health and nutrition assessments.”.

14 **Subtitle E—Miscellaneous**

15 **SEC. 141. CHILDHOOD HUNGER RESEARCH.**

16 The Richard B. Russell National School Lunch Act  
17 is amended by inserting after section 22 (42 U.S.C.  
18 1769c) the following:

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

20 “(a) RESEARCH ON CAUSES AND CONSEQUENCES OF  
21 CHILDHOOD HUNGER.—

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

24 “(A) the causes of childhood hunger and  
25 food insecurity;



1           “(B) the characteristics of households with  
2 childhood hunger and food insecurity; and

3           “(C) the consequences of childhood hunger  
4 and food insecurity.

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

7           “(A) enter into competitively awarded con-  
8 tracts or cooperative agreements; or

9           “(B) provide grants to States or public or  
10 private agencies or organizations, as determined  
11 by the Secretary.

12           “(3) APPLICATION.—To be eligible to enter into  
13 a contract or cooperative agreement or receive a  
14 grant under this subsection, a State or public or pri-  
15 vate agency or organization shall submit to the Sec-  
16 retary an application at such time, in such manner,  
17 and containing such information as the Secretary  
18 shall require.

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

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

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

3           “(C) the extent to which—

4                 “(i) existing Federal assistance pro-  
5                 grams, including the Internal Revenue  
6                 Code of 1986, reduce childhood hunger  
7                 and food insecurity; and

8                 “(ii) childhood hunger and food inse-  
9                 curity persist due to—

10                         “(I) gaps in program coverage;

11                         “(II) the inability of potential  
12                         participants to access programs; or

13                         “(III) the insufficiency of pro-  
14                         gram benefits or services;

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

17           “(E) an estimate of the degree to which  
18           the Census Bureau measure of food insecurity  
19           underestimates childhood hunger and food inse-  
20           curity because the Census Bureau excludes cer-  
21           tain households, such as homeless, or other fac-  
22           tors;

23           “(F) the effects of childhood hunger on  
24           child development, well-being, and educational  
25           attainment; and

1           “(G) such other critical outcomes as are  
2 determined by the Secretary.

3           “(5) FUNDING.—

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

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

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

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

20           “(B) SUPPLEMENTAL NUTRITION ASSIST-  
21 ANCE PROGRAM.—The term ‘supplemental nu-  
22 trition assistance program’ means the supple-  
23 mental nutrition assistance program established  
24 under the Food and Nutrition Act of 2008 (7  
25 U.S.C. 2011 et seq.).

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

8           “(3) PROJECTS.—Demonstration projects car-  
9           ried out under this subsection may include projects  
10          that—

11               “(A) enhance benefits provided under the  
12               supplemental nutrition assistance program for  
13               eligible households with children;

14               “(B) enhance benefits or provide for inno-  
15               vative program delivery models in the school  
16               meals, afterschool snack, and child and adult  
17               care food programs under this Act and the  
18               Child Nutrition Act of 1966 (42 U.S.C. 1771 et  
19               seq.); and

20               “(C) target Federal, State, or local assist-  
21               ance, including emergency housing or family  
22               preservation services, at households with chil-  
23               dren who are experiencing hunger or food inse-  
24               curity, to the extent permitted by the legal au-

1           thority establishing those assistance programs  
2           and services.

3           “(4) GRANTS.—

4                 “(A) DEMONSTRATION PROJECTS.—

5                     “(i) IN GENERAL.—In carrying out  
6                     this subsection, the Secretary may enter  
7                     into competitively awarded contracts or co-  
8                     operative agreements with, or provide  
9                     grants to, public or private organizations  
10                    or agencies (as determined by the Sec-  
11                    retary), for use in accordance with dem-  
12                    onstration projects that meet the purposes  
13                    of this subsection.

14                    “(ii) REQUIREMENT.—At least 1 dem-  
15                    onstration project funded under this sub-  
16                    section shall be carried out on an Indian  
17                    reservation in a rural area with a service  
18                    population with a prevalence of diabetes  
19                    that exceeds 15 percent, as determined by  
20                    the Director of the Indian Health Service.

21                 “(B) APPLICATION.—To be eligible to re-  
22                 ceive a contract, cooperative agreement, or  
23                 grant under this subsection, an organization or  
24                 agency shall submit to the Secretary an applica-  
25                 tion at such time, in such manner, and con-

1           taining such information as the Secretary may  
2           require.

3           “(C) SELECTION CRITERIA.—Demonstra-  
4           tion projects shall be selected based on publicly  
5           disseminated criteria that may include—

6                   “(i) an identification of a low-income  
7                   target group that reflects individuals expe-  
8                   riencing hunger or food insecurity;

9                   “(ii) a commitment to a demonstra-  
10                  tion project that allows for a rigorous out-  
11                  come evaluation as described in paragraph  
12                  (6);

13                  “(iii) a focus on innovative strategies  
14                  to reduce the risk of childhood hunger or  
15                  provide a significant improvement to the  
16                  food security status of households with  
17                  children; and

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

20           “(5) CONSULTATION.—In determining the  
21           range of projects and defining selection criteria  
22           under this subsection, the Secretary shall consult  
23           with—

24                   “(A) the Secretary of Health and Human  
25                   Services;

1           “(B) the Secretary of Labor; and

2           “(C) the Secretary of Housing and Urban  
3       Development.

4       “(6) EVALUATION AND REPORTING.—

5           “(A) INDEPENDENT EVALUATION.—The  
6       Secretary shall provide for an independent eval-  
7       uation of each demonstration project carried  
8       out under this subsection that—

9           “(i) measures the impact of each dem-  
10       onstration project on appropriate participa-  
11       tion, food security, nutrition, and associ-  
12       ated behavioral outcomes among partici-  
13       pating households; and

14          “(ii) uses rigorous experimental de-  
15       signs and methodologies, particularly ran-  
16       dom assignment or other methods that are  
17       capable of producing scientifically valid in-  
18       formation regarding which activities are ef-  
19       fective in reducing the prevalence or pre-  
20       venting the incidence of food insecurity  
21       and hunger in the community, especially  
22       among children.

23          “(B) REPORTING.—Not later than Decem-  
24       ber 31, 2013 and each December 31 thereafter  
25       until the date on which the last evaluation

1 under subparagraph (A) is completed, the Sec-  
2 retary shall—

3 “(i) submit to the Committee on Agri-  
4 culture and the Committee on Education  
5 and Labor of the House of Representatives  
6 and the Committee on Agriculture, Nutri-  
7 tion, and Forestry of the Senate a report  
8 that includes a description of—

9 “(I) the status of each dem-  
10 onstration project; and

11 “(II) the results of any evalua-  
12 tions of the demonstration projects  
13 completed during the previous fiscal  
14 year; and

15 “(ii) ensure that the evaluation results  
16 are shared broadly to inform policy mak-  
17 ers, service providers, other partners, and  
18 the public in order to promote the wide use  
19 of successful strategies.

20 “(7) FUNDING.—

21 “(A) IN GENERAL.—On October 1, 2012,  
22 out of any funds in the Treasury not otherwise  
23 appropriated, the Secretary of the Treasury  
24 shall transfer to the Secretary to carry out this



1 subsection \$40,000,000, to remain available  
2 until September 30, 2017.

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

8 “(C) USE OF FUNDS.—

9 “(i) IN GENERAL.—Funds made avail-  
10 able under subparagraph (A) may be used  
11 to carry out this subsection, including to  
12 pay Federal costs associated with devel-  
13 oping, soliciting, awarding, monitoring,  
14 evaluating, and disseminating the results  
15 of each demonstration project under this  
16 subsection.

17 “(ii) INDIAN RESERVATIONS.—Of  
18 amounts made available under subpara-  
19 graph (A), the Secretary shall use a por-  
20 tion of the amounts to carry out research  
21 relating to hunger, obesity and type 2 dia-  
22 betes on Indian reservations, including re-  
23 search to determine the manner in which  
24 Federal nutrition programs can help to  
25 overcome those problems.

1           “(iii) REPORT.—Not later than 1 year  
2 after the date of enactment of this section,  
3 the Secretary shall submit to the Com-  
4 mittee on Agriculture of the House of Rep-  
5 resentatives and the Committee on Agri-  
6 culture, Nutrition, and Forestry of the  
7 Senate a report that—

8           “(I) describes the manner in  
9 which Federal nutrition programs can  
10 help to overcome child hunger nutri-  
11 tion problems on Indian reservations;  
12 and

13           “(II) contains proposed adminis-  
14 trative and legislative recommenda-  
15 tions to strengthen and streamline all  
16 relevant Department of Agriculture  
17 nutrition programs to reduce child-  
18 hood hunger, obesity, and type 2 dia-  
19 betes on Indian reservations.

20           “(D) LIMITATIONS.—

21           “(i) DURATION.—No project may be  
22 funded under this subsection for more than  
23 5 years.

24           “(ii) PROJECT REQUIREMENTS.—No  
25 project that makes use of, alters, or coordi-

1 nates with the supplemental nutrition as-  
2 sistance program may be funded under  
3 this subsection unless the project is fully  
4 consistent with the project requirements  
5 described in section 17(b)(1)(B) of the  
6 Food and Nutrition Act of 2008 (7 U.S.C.  
7 2026(b)(1)(B)).

8 “(iii) HUNGER-FREE COMMUNITIES.—  
9 No project may be funded under this sub-  
10 section that receives funding under section  
11 4405 of the Food, Conservation, and En-  
12 ergy Act of 2008 (7 U.S.C. 7517).

13 “(iv) OTHER BENEFITS.—Funds  
14 made available under this subsection may  
15 not be used for any project in a manner  
16 that is inconsistent with—

17 “(I) this Act;

18 “(II) the Child Nutrition Act of  
19 1966 (42 U.S.C. 1771 et seq.);

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

22 or

23 “(IV) the Emergency Food As-  
24 sistance Act of 1983 (7 U.S.C. 7501  
25 et seq.).”

1 **SEC. 142. STATE CHILDHOOD HUNGER CHALLENGE**  
2 **GRANTS.**

3 The Richard B. Russell National School Lunch Act  
4 (42 U.S.C. 1751 et seq.) is amended by inserting after  
5 section 23 (as added by section 141) the following:

6 **“SEC. 24. STATE CHILDHOOD HUNGER CHALLENGE**  
7 **GRANTS.**

8 “(a) DEFINITIONS.—In this section:

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

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

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

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

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

4           “(2) enhance benefits or provide for innovative  
5           program delivery models in the school meals, after-  
6           school snack, and child and adult care food pro-  
7           grams under this Act and the Child Nutrition Act  
8           of 1966 (42 U.S.C. 1771 et seq.);

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

16          “(4) enhance outreach to increase access and  
17          participation in Federal nutrition assistance pro-  
18          grams; and

19          “(5) improve the coordination of Federal, State,  
20          and community resources and services aimed at pre-  
21          venting food insecurity and hunger, including  
22          through the establishment and expansion of State  
23          food policy councils.

24          “(d) GRANTS.—

1           “(1) IN GENERAL.—In carrying out this sec-  
2           tion, the Secretary may competitively award grants  
3           or enter into competitively awarded cooperative  
4           agreements with Governors for use in accordance  
5           with demonstration projects that meet the purposes  
6           of this section.

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

12          “(3) SELECTION CRITERIA.—The Secretary  
13          shall evaluate proposals based on publicly dissemi-  
14          nated criteria that may include—

15                 “(A) an identification of a low-income tar-  
16                 get group that reflects individuals experiencing  
17                 hunger or food insecurity;

18                 “(B) a commitment to approaches that  
19                 allow for a rigorous outcome evaluation as de-  
20                 scribed in subsection (f);

21                 “(C) a comprehensive and innovative strat-  
22                 egy to reduce the risk of childhood hunger or  
23                 provide a significant improvement to the food  
24                 security status of households with children; and

1           “(D) such other criteria as are determined  
2           by the Secretary.

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

5           “(A) a baseline assessment, and subse-  
6           quent annual assessments, of the prevalence  
7           and severity of very low food security among  
8           children in the State, based on a methodology  
9           prescribed by the Secretary;

10          “(B) a collaborative planning process in-  
11          cluding key stakeholders in the State that re-  
12          sults in a comprehensive agenda to eliminate  
13          childhood hunger that is—

14                 “(i) described in a detailed project  
15                 plan; and

16                 “(ii) provided to the Secretary for ap-  
17                 proval;

18          “(C) an annual budget;

19          “(D) specific performance goals, including  
20          the goal to sharply reduce or eliminate food in-  
21          security among children in the State by 2015,  
22          as determined through a methodology pre-  
23          scribed by the Secretary and carried out by the  
24          Governor; and

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

4                   “(i) the specific impact of the strategy  
5                   on food insecurity among children in the  
6                   State; and

7                   “(ii) if applicable, the nutrition assist-  
8                   ance participation rate among children in  
9                   the State.

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

13               “(1) the Secretary of Health and Human Serv-  
14               ices;

15               “(2) the Secretary of Labor;

16               “(3) the Secretary of Education; and

17               “(4) the Secretary of Housing and Urban De-  
18               velopment.

19          “(f) EVALUATION AND REPORTING.—

20               “(1) GENERAL PERFORMANCE ASSESSMENT.—

21          Each project authorized under this section shall re-  
22          quire an independent assessment that—

23               “(A) measures the impact of any activities  
24               carried out under the project on the level of  
25               food insecurity in the State that—



1           “(i) focuses particularly on the level of  
2           food insecurity among children in the  
3           State; and

4           “(ii) includes a preimplementation  
5           baseline and annual measurements taken  
6           during the project of the level of food inse-  
7           curity in the State; and

8           “(B) is carried out using a methodology  
9           prescribed by the Secretary.

10          “(2)     INDEPENDENT     EVALUATION.—Each  
11          project authorized under this section shall provide  
12          for an independent evaluation of not less than 1  
13          major strategy that—

14                 “(A) measures the impact of the strategy  
15                 on appropriate participation, food security, nu-  
16                 trition, and associated behavioral outcomes  
17                 among participating households; and

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

1           “(3) REPORTING.—Not later than December  
2           31, 2011 and each December 31 thereafter until the  
3           date on which the last evaluation under paragraph  
4           (1) is completed, the Secretary shall—

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

11                           “(i) the status of each State dem-  
12                           onstration project; and

13                           “(ii) the results of any evaluations of  
14                           the demonstration projects completed dur-  
15                           ing the previous fiscal year; and

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

21           “(g) AUTHORIZATION OF APPROPRIATIONS.—

22                   “(1) IN GENERAL.—There are authorized to be  
23                   appropriated to carry out this section such sums as  
24                   are necessary for each of fiscal years 2011 through  
25                   2014, to remain available until expended.

1           “(2) USE OF FUNDS.—Funds made available  
2 under paragraph (1) may be used to carry out this  
3 section, including to pay Federal costs associated  
4 with developing, soliciting, awarding, monitoring,  
5 evaluating, and disseminating the results of each  
6 demonstration project under this section.

7           “(3) LIMITATIONS.—

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

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

18           “(C) ALTERING NUTRITION ASSISTANCE  
19 PROGRAM REQUIREMENTS.—No project that  
20 makes use of, alters, or coordinates with the  
21 supplemental nutrition assistance program may  
22 be funded under this section unless the project  
23 is fully consistent with the project requirements  
24 described in section 17(b)(1)(B) of the Food

1           and Nutrition Act of 2008 (7 U.S.C.  
2           2026(b)(1)(B)).

3           “(D) OTHER BENEFITS.—Funds made  
4           available under this section may not be used for  
5           any project in a manner that is inconsistent  
6           with—

7                     “(i) this Act;

8                     “(ii) the Child Nutrition Act of 1966  
9                     (42 U.S.C. 1771 et seq.);

10                    “(iii) the Food and Nutrition Act of  
11                    2008 (7 U.S.C. 2011 et seq.); or

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

14 **SEC. 143. REVIEW OF LOCAL POLICIES ON MEAL CHARGES**  
15 **AND PROVISION OF ALTERNATE MEALS.**

16           (a) IN GENERAL.—

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

24                   (2) SCOPE.—The examination under paragraph  
25                   (1) shall include the policies and practices in effect

1 as of the date of enactment of this Act relating to  
2 providing to children who are without funds a meal  
3 other than the reimbursable meals.

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

6 (A) prepare a report on the feasibility of  
7 establishing national standards for meal  
8 charges and the provision of alternate meals;  
9 and

10 (B) provide recommendations for imple-  
11 menting those standards.

12 (b) FOLLOWUP ACTIONS.—

13 (1) IN GENERAL.—Based on the findings and  
14 recommendations under subsection (a), the Sec-  
15 retary may—

16 (A) implement standards described in  
17 paragraph (3) of that subsection through regu-  
18 lation;

19 (B) test recommendations through dem-  
20 onstration projects; or

21 (C) study further the feasibility of rec-  
22 ommendations.

23 (2) FACTORS FOR CONSIDERATION.—In deter-  
24 mining how best to implement recommendations de-

1 scribed in subsection (a)(3), the Secretary shall con-  
 2 sider such factors as—

3 (A) the impact of overt identification on  
 4 children;

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

9 (C) the potential financial impact on local  
 10 educational agencies.

11 **TITLE II—REDUCING CHILD-**  
 12 **HOOD OBESITY AND IMPROV-**  
 13 **ING THE DIETS OF CHILDREN**  
 14 **Subtitle A—National School Lunch**  
 15 **Program**

16 **SEC. 201. PERFORMANCE-BASED REIMBURSEMENT RATE**  
 17 **INCREASES FOR NEW MEAL PATTERNS.**

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

21 “(3) ADDITIONAL REIMBURSEMENT.—

22 “(A) REGULATIONS.—

23 “(i) PROPOSED REGULATIONS.—Not-  
 24 withstanding section 9(f), not later than  
 25 18 months after the date of enactment of

1 this paragraph, the Secretary shall promul-  
2 gate proposed regulations to update the  
3 meal patterns and nutrition standards for  
4 the school lunch program authorized under  
5 this Act and the school breakfast program  
6 established by section 4 of the Child Nutri-  
7 tion Act of 1966 (42 U.S.C. 1773) based  
8 on recommendations made by the Food  
9 and Nutrition Board of the National Re-  
10 search Council of the National Academy of  
11 Sciences.

12 “(ii) INTERIM OR FINAL REGULA-  
13 TIONS.—

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

19 “(II) DATE OF REQUIRED COM-  
20 PLIANCE.—The Secretary shall estab-  
21 lish in the interim or final regulations  
22 a date by which all school food au-  
23 thorities participating in the school  
24 lunch program authorized under this  
25 Act and the school breakfast program

1 established by section 4 of the Child  
2 Nutrition Act of 1966 (42 U.S.C.  
3 1773) are required to comply with the  
4 meal pattern and nutrition standards  
5 established in the interim or final reg-  
6 ulations.

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

20 “(B) PERFORMANCE-BASED REIMBURSE-  
21 MENT RATE INCREASE.—Beginning on the later  
22 of the date of promulgation of the implementing  
23 regulations described in subparagraph (A)(ii),  
24 the date of enactment of this paragraph, or Oc-  
25 tober 1, 2012, the Secretary shall provide addi-



1 tional reimbursement for each lunch served in  
2 school food authorities determined to be eligible  
3 under subparagraph (D).

4 “(C) ADDITIONAL REIMBURSEMENT.—

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

12 “(ii) DISBURSEMENT.—The State  
13 agency shall disburse funds made available  
14 under this paragraph to school food au-  
15 thorities eligible to receive additional reim-  
16 bursement.

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

24 “(E) FAILURE TO COMPLY.—Beginning on  
25 the later of the date described in subparagraph

1 (A)(ii)(II), the date of enactment of this para-  
2 graph, or October 1, 2012, school food authori-  
3 ties found to be out of compliance with the  
4 meal patterns or nutrition standards established  
5 by the implementing regulations shall not re-  
6 ceive the additional reimbursement for each  
7 lunch served described in this paragraph.

8 “(F) ADMINISTRATIVE COSTS.—

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

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

22 “(iii) FUNDING.—

23 “(I) IN GENERAL.—In the later  
24 of the fiscal year in which the imple-  
25 menting regulations described in sub-

1 paragraph (A)(ii) are promulgated or  
2 the fiscal year in which this para-  
3 graph is enacted, and in the subse-  
4 quent fiscal year, the Secretary shall  
5 use not more than \$50,000,000 of  
6 funds made available under section 3  
7 to make payments to States described  
8 in clause (i).

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

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

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

19 “(i) shall offer students a variety of  
20 fluid milk. Such milk shall be consistent  
21 with the most recent Dietary Guidelines  
22 for Americans published under section 301  
23 of the National Nutrition Monitoring and  
24 Related Research Act of 1990 (7 U.S.C.  
25 5341);”.

1 **SEC. 203. WATER.**

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

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

10 **SEC. 204. LOCAL SCHOOL WELLNESS POLICY IMPLEMENTA-**  
11 **TION.**

12 (a) IN GENERAL.—The Richard B. Russell National  
13 School Lunch Act is amended by inserting after section  
14 9 (42 U.S.C. 1758) the following:

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

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

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

1           “(1) goals for nutrition promotion and edu-  
2           cation, physical activity, and other school-based ac-  
3           tivities that promote student wellness;

4           “(2) for all foods available on each school cam-  
5           pus under the jurisdiction of the local educational  
6           agency during the school day, nutrition guidelines  
7           that—

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

12                  “(B) promote student health and reduce  
13                  childhood obesity;

14           “(3) a requirement that the local educational  
15           agency permit parents, students, representatives of  
16           the school food authority, teachers of physical edu-  
17           cation, school health professionals, the school board,  
18           school administrators, and the general public to par-  
19           ticipate in the development, implementation, and  
20           periodic review and update of the local school  
21           wellness policy;

22           “(4) a requirement that the local educational  
23           agency inform and update the public (including par-  
24           ents, students, and others in the community) about

1 the content and implementation of the local school  
2 wellness policy; and

3 “(5) a requirement that the local educational  
4 agency—

5 “(A) periodically measure and make avail-  
6 able to the public an assessment on the imple-  
7 mentation of the local school wellness policy, in-  
8 cluding—

9 “(i) the extent to which schools under  
10 the jurisdiction of the local educational  
11 agency are in compliance with the local  
12 school wellness policy;

13 “(ii) the extent to which the local  
14 school wellness policy of the local edu-  
15 cational agency compares to model local  
16 school wellness policies; and

17 “(iii) a description of the progress  
18 made in attaining the goals of the local  
19 school wellness policy; and

20 “(B) designate 1 or more local educational  
21 agency officials or school officials, as appro-  
22 priate, to ensure that each school complies with  
23 the local school wellness policy.

24 “(c) LOCAL DISCRETION.—The local educational  
25 agency shall use the guidelines promulgated by the Sec-

1 retary under subsection (b) to determine specific policies  
2 appropriate for the schools under the jurisdiction of the  
3 local educational agency.

4 “(d) TECHNICAL ASSISTANCE AND BEST PRAC-  
5 TICES.—

6 “(1) IN GENERAL.—The Secretary, in consulta-  
7 tion with the Secretary of Education and the Sec-  
8 retary of Health and Human Services, acting  
9 through the Centers for Disease Control and Preven-  
10 tion, shall provide information and technical assist-  
11 ance to local educational agencies, school food au-  
12 thorities, and State educational agencies for use in  
13 establishing healthy school environments that are in-  
14 tended to promote student health and wellness.

15 “(2) CONTENT.—The Secretary shall provide  
16 technical assistance that—

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

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

1           “(C) includes such other technical assist-  
2           ance as is required to promote sound nutrition  
3           and establish healthy school nutrition environ-  
4           ments; and

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

7           “(3) STUDY AND REPORT.—

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

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

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

23                 “(ii) an assessment of the impact of  
24                 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           (b) REPEAL.—Section 204 of the Child Nutrition and  
16           WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note;  
17           Public Law 108–265) is repealed.

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

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

22           “(p) PRICE FOR A PAID LUNCH.—

23           “(1) DEFINITION OF PAID LUNCH.—In this  
24           subsection, the term ‘paid lunch’ means a reimburs-

1     able lunch served to students who are not certified  
2     to receive free or reduced price meals.

3             “(2) REQUIREMENT.—

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

8                 “(B) LOWER PRICE.—

9                     “(i) IN GENERAL.—In the case of a  
10             school food authority that established a  
11             price for a paid lunch in the previous  
12             school year that was less than the dif-  
13             ference between the total Federal reim-  
14             bursement for a free lunch and the total  
15             Federal reimbursement for a paid lunch,  
16             the school food authority shall establish an  
17             average price for a paid lunch that is not  
18             less than the price charged in the previous  
19             school year, as adjusted by a percentage  
20             equal to the sum obtained by adding—

21                         “(I) 2 percent; and

22                         “(II) the percentage change in  
23             the Consumer Price Index for All  
24             Urban Consumers (food away from  
25             home index) used to increase the Fed-

1           eral reimbursement rate under section  
2           11 for the most recent school year for  
3           which data are available, as published  
4           in the Federal Register.

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

9           “(iii) MAXIMUM REQUIRED PRICE IN-  
10          CREASE.—

11           “(I) IN GENERAL.—The max-  
12          imum annual average price increase  
13          required to meet the requirements of  
14          this subparagraph shall not exceed 10  
15          cents for any school food authority.

16           “(II) DISCRETIONARY IN-  
17          CREASE.—A school food authority  
18          may increase the average price for a  
19          paid lunch for a school year by more  
20          than 10 cents.

21          “(C) EQUAL OR GREATER PRICE.—

22           “(i) IN GENERAL.—In the case of a  
23          school food authority that established an  
24          average price for a paid lunch in the pre-  
25          vious school year that was equal to or

1 greater than the difference between the  
2 total Federal reimbursement for a free  
3 lunch and the total Federal reimbursement  
4 for a paid lunch, the school food authority  
5 shall establish an average price for a paid  
6 lunch that is not less than the difference  
7 between the total Federal reimbursement  
8 for a free lunch and the total Federal re-  
9 imbursement for a paid lunch.

10 “(ii) ROUNDING.—A school food au-  
11 thority may round the adjusted price for a  
12 paid lunch under clause (i) down to the  
13 nearest 5 cents.

14 “(3) EXCEPTIONS.—

15 “(A) REDUCTION IN PRICE.—A school food  
16 authority may reduce the average price of a  
17 paid lunch established under this subsection if  
18 the State agency ensures that funding from  
19 non-Federal sources (other than in-kind con-  
20 tributions) is added to the nonprofit school food  
21 service account of the school food authority in  
22 an amount estimated to be equal to at least the  
23 difference between—

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

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

6                   “(B) NON-FEDERAL SOURCES.—For the  
7                   purposes of subparagraph (A), non-Federal  
8                   sources does not include revenue from the sale  
9                   of foods sold in competition with meals served  
10                  under the school lunch program authorized  
11                  under this Act or the school breakfast program  
12                  established by section 4 of the Child Nutrition  
13                  Act of 1966 (42 U.S.C. 1773).

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

17                  “(4) REGULATIONS.—The Secretary shall es-  
18                  tablish procedures to carry out this subsection, in-  
19                  cluding collecting and publishing the prices that  
20                  school food authorities charge for paid meals on an  
21                  annual basis and procedures that allow school food  
22                  authorities to average the pricing of paid lunches at  
23                  schools throughout the jurisdiction of the school food  
24                  authority.”.

1 **SEC. 206. REVENUE FROM NONPROGRAM FOODS SOLD IN**  
2 **SCHOOLS.**

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

6 “(q) NONPROGRAM FOOD SALES.—

7 “(1) DEFINITION OF NONPROGRAM FOOD.—In  
8 this subsection:

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

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

15 “(ii) purchased using funds from the  
16 nonprofit school food service account of the  
17 school food authority of the school.

18 “(B) INCLUSION.—The term ‘nonprogram  
19 food’ includes food that is sold in competition  
20 with a program established under this Act or  
21 the Child Nutrition Act of 1966 (42 U.S.C.  
22 1771 et seq.).

23 “(2) REVENUES.—

24 “(A) IN GENERAL.—The proportion of  
25 total school food service revenue provided by the  
26 sale of nonprogram foods to the total revenue

1 of the school food service account shall be equal  
 2 to or greater than the proportion of total food  
 3 costs associated with obtaining nonprogram  
 4 foods to the total costs associated with obtain-  
 5 ing program and nonprogram foods from the  
 6 account.

7 “(B) ACCRUAL.—All revenue from the sale  
 8 of nonprogram foods shall accrue to the non-  
 9 profit school food service account of a partici-  
 10 pating school food authority.

11 “(C) EFFECTIVE DATE.—This subsection  
 12 shall be effective beginning on July 1, 2011.”.

13 **SEC. 207. REPORTING AND NOTIFICATION OF SCHOOL PER-**  
 14 **FORMANCE.**

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

17 (1) by striking subsection (a) and inserting the  
 18 following:

19 “(a) UNIFIED ACCOUNTABILITY SYSTEM.—

20 “(1) IN GENERAL.—There shall be a unified  
 21 system prescribed and administered by the Secretary  
 22 to ensure that local food service authorities partici-  
 23 pating in the school lunch program established  
 24 under this Act and the school breakfast program es-  
 25 tablished by section 4 of the Child Nutrition Act of

1 1966 (42 U.S.C. 1773) comply with those Acts, in-  
2 cluding compliance with—

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

5 “(B) as applicable, the nutritional require-  
6 ments for school breakfasts under section  
7 4(e)(1) of the Child Nutrition Act of 1966 (42  
8 U.S.C. 1773(e)(1)).”; and

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

11 “(A) require that local food service au-  
12 thorities comply with the nutritional require-  
13 ments described in subparagraphs (A) and (B)  
14 of paragraph (1);

15 “(B) to the maximum extent practicable,  
16 ensure compliance through reasonable audits  
17 and supervisory assistance reviews;

18 “(C) in conducting audits and reviews for  
19 the purpose of determining compliance with this  
20 Act, including the nutritional requirements of  
21 section 9(f)—

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



1           “(ii) select schools for review in each  
2           local educational agency using criteria es-  
3           tablished by the Secretary;

4           “(iii) report the final results of the re-  
5           views to the public in the State in an ac-  
6           cessible, easily understood manner in ac-  
7           cordance with guidelines promulgated by  
8           the Secretary; and

9           “(iv) submit to the Secretary each  
10          year a report containing the results of the  
11          reviews in accordance with procedures de-  
12          veloped by the Secretary; and

13          “(D) when any local food service authority  
14          is reviewed under this section, ensure that the  
15          final results of the review by the State edu-  
16          cational agency are posted and otherwise made  
17          available to the public on request in an acces-  
18          sible, easily understood manner in accordance  
19          with guidelines promulgated by the Secretary.”.

20 **SEC. 208. NUTRITION STANDARDS FOR ALL FOODS SOLD IN**  
21 **SCHOOL.**

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

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

4 **“SEC. 10. REGULATIONS.**

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

6           (2) by striking subsection (b) and inserting the  
7 following:

8           “(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

9                 “(1) PROPOSED REGULATIONS.—

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

11                         “(i) establish science-based nutrition  
12 standards for foods sold in schools other  
13 than foods provided under this Act and the  
14 Richard B. Russell National School Lunch  
15 Act (42 U.S.C. 1751 et seq.); and

16                         “(ii) not later than 1 year after the  
17 date of enactment of this paragraph, pro-  
18 mulgate proposed regulations to carry out  
19 clause (i).

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

22                         “(i) outside the school meal programs;

23                         “(ii) on the school campus; and

24                         “(iii) at any time during the school  
25 day.

1           “(C) REQUIREMENTS.—In establishing nu-  
2           trition standards under this paragraph, the Sec-  
3           retary shall—

4                   “(i) establish standards that are con-  
5                   sistent with the most recent Dietary  
6                   Guidelines for Americans published under  
7                   section 301 of the National Nutrition Mon-  
8                   itoring and Related Research Act of 1990  
9                   (7 U.S.C. 5341), including the food groups  
10                  to encourage and nutrients of concern  
11                  identified in the Dietary Guidelines; and

12                  “(ii) consider—

13                           “(I) authoritative scientific rec-  
14                           ommendations for nutrition standards;

15                           “(II) existing school nutrition  
16                           standards, including voluntary stand-  
17                           ards for beverages and snack foods  
18                           and State and local standards;

19                           “(III) the practical application of  
20                           the nutrition standards; and

21                           “(IV) special exemptions for  
22                           school-sponsored fundraisers (other  
23                           than fundraising through vending ma-  
24                           chines, school stores, snack bars, a la  
25                           carte sales, and any other exclusions

1                   determined by the Secretary), if the  
2                   fundraisers are approved by the school  
3                   and are infrequent within the school.

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

15                  “(2) IMPLEMENTATION.—

16                  “(A) EFFECTIVE DATE.—The interim or  
17                  final regulations under this subsection shall  
18                  take effect at the beginning of the school year  
19                  that is not earlier than 1 year and not later  
20                  than 2 years following the date on which the  
21                  regulations are finalized.

22                  “(B) REPORTING.—The Secretary shall  
23                  submit to the Committee on Agriculture, Nutri-  
24                  tion, and Forestry of the Senate and the Com-  
25                  mittee on Education and Labor of the House of



1 assessment materials developed by the Sec-  
2 retary.

3 “(2) REQUIREMENTS.—In establishing the re-  
4 quirements for reporting on the school nutrition en-  
5 vironment under paragraph (1), the Secretary  
6 shall—

7 “(A) include information pertaining to food  
8 safety inspections, local wellness policies, meal  
9 program participation, the nutritional quality of  
10 program meals, and other information as deter-  
11 mined by the Secretary; and

12 “(B) ensure that information is made  
13 available to the public by local educational  
14 agencies in an accessible, easily understood  
15 manner in accordance with guidelines estab-  
16 lished by the Secretary.

17 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
18 There are authorized to be appropriated to carry out  
19 this subsection such sums as are necessary for each  
20 of fiscal years 2011 through 2015.”.

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

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

25 “(j) ORGANIC FOOD PILOT PROGRAM.—

1           “(1) ESTABLISHMENT.—The Secretary shall es-  
2           tablish an organic food pilot program (referred to in  
3           this subsection as the ‘pilot program’) under which  
4           the Secretary shall provide grants on a competitive  
5           basis to school food authorities selected under para-  
6           graph (3).

7           “(2) USE OF FUNDS.—

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

10           “(i) to enter into competitively award-  
11           ed contracts or cooperative agreements  
12           with school food authorities selected under  
13           paragraph (3); or

14           “(ii) to make grants to school food  
15           authority applicants selected under para-  
16           graph (3).

17           “(B) SCHOOL FOOD AUTHORITY USES OF  
18           FUNDS.—A school food authority that receives  
19           a grant under this section shall use the grant  
20           funds to establish a pilot program that in-  
21           creases the quantity of organic foods provided  
22           to schoolchildren under the school lunch pro-  
23           gram established under this Act.

24           “(3) APPLICATION.—

1           “(A) IN GENERAL.—A school food author-  
2           ity seeking a contract, grant, or cooperative  
3           agreement under this subsection shall submit to  
4           the Secretary an application in such form, con-  
5           taining such information, and at such time as  
6           the Secretary shall prescribe.

7           “(B) CRITERIA.—In selecting contract,  
8           grant, or cooperative agreement recipients, the  
9           Secretary shall consider—

10           “(i) the poverty line (as defined in  
11           section 673(2) of the Community Services  
12           Block Grant Act (42 U.S.C. 9902(2), in-  
13           cluding any revision required by that sec-  
14           tion)) applicable to a family of the size in-  
15           volved of the households in the district  
16           served by the school food authority, giving  
17           preference to school food authority appli-  
18           cants in which not less than 50 percent of  
19           the households in the district are at or  
20           below the Federal poverty line;

21           “(ii) the commitment of each school  
22           food authority applicant—

23           “(I) to improve the nutritional  
24           value of school meals;



1 “(II) to carry out innovative pro-  
 2 grams that improve the health and  
 3 wellness of schoolchildren; and

4 “(III) to evaluate the outcome of  
 5 the pilot program; and

6 “(iii) any other criteria the Secretary  
 7 determines to be appropriate.

8 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
 9 There are authorized to be appropriated to carry out  
 10 this subsection \$10,000,000 for fiscal years 2011  
 11 through 2015.”.

12 **Subtitle B—Child and Adult Care**  
 13 **Food Program**

14 **SEC. 221. NUTRITION AND WELLNESS GOALS FOR MEALS**  
 15 **SERVED THROUGH THE CHILD AND ADULT**  
 16 **CARE FOOD PROGRAM.**

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

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

22 “(a) PROGRAM PURPOSE, GRANT AUTHORITY AND  
 23 INSTITUTION ELIGIBILITY.—

24 “(1) IN GENERAL.—

25 “(A) PROGRAM PURPOSE.—

1                   “(i) FINDINGS.—Congress finds  
2                   that—

3                   “(I) eating habits and other  
4                   wellness-related behavior habits are  
5                   established early in life; and

6                   “(II) good nutrition and wellness  
7                   are important contributors to the  
8                   overall health of young children and  
9                   essential to cognitive development.

10                  “(ii) PURPOSE.—The purpose of the  
11                  program authorized by this section is to  
12                  provide aid to child and adult care institu-  
13                  tions and family or group day care homes  
14                  for the provision of nutritious foods that  
15                  contribute to the wellness, healthy growth,  
16                  and development of young children, and  
17                  the health and wellness of older adults and  
18                  chronically impaired disabled persons.

19                  “(B) GRANT AUTHORITY.—The Secretary  
20                  may carry out a program to assist States  
21                  through grants-in-aid and other means to ini-  
22                  tiate and maintain nonprofit food service pro-  
23                  grams for children in institutions providing  
24                  child care.”;

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

3           “(g) NUTRITIONAL REQUIREMENTS FOR MEALS AND  
4 SNACKS SERVED IN INSTITUTIONS AND FAMILY OR  
5 GROUP DAY CARE HOMES.—

6           “(1) DEFINITION OF DIETARY GUIDELINES.—  
7 In this subsection, the term ‘Dietary Guidelines’  
8 means the Dietary Guidelines for Americans pub-  
9 lished under section 301 of the National Nutrition  
10 Monitoring and Related Research Act of 1990 (7  
11 U.S.C. 5341).

12           “(2) NUTRITIONAL REQUIREMENTS.—

13           “(A) IN GENERAL.—Except as provided in  
14 subparagraph (C), reimbursable meals and  
15 snacks served by institutions, family or group  
16 day care homes, and sponsored centers partici-  
17 pating in the program under this section shall  
18 consist of a combination of foods that meet  
19 minimum nutritional requirements prescribed  
20 by the Secretary on the basis of tested nutri-  
21 tional research.

22           “(B) CONFORMITY WITH THE DIETARY  
23 GUIDELINES AND AUTHORITATIVE SCIENCE.—

24           “(i) IN GENERAL.—Not less fre-  
25 quently than once every 10 years, the Sec-

1           retary shall review and, as appropriate, up-  
2           date requirements for meals served under  
3           the program under this section to ensure  
4           that the meals—

5                     “(I) are consistent with the goals  
6                     of the most recent Dietary Guidelines;  
7                     and

8                     “(II) promote the health of the  
9                     population served by the program au-  
10                    thorized under this section, as indi-  
11                    cated by the most recent relevant nu-  
12                    trition science and appropriate au-  
13                    thoritative scientific agency and orga-  
14                    nization recommendations.

15                    “(ii) COST REVIEW.—The review re-  
16                    quired under clause (i) shall include a re-  
17                    view of the cost to child care centers and  
18                    group or family day care homes resulting  
19                    from updated requirements for meals and  
20                    snacks served under the program under  
21                    this section.

22                    “(iii) REGULATIONS.—Not later than  
23                    18 months after the completion of the re-  
24                    view of the meal pattern under clause (i),  
25                    the Secretary shall promulgate proposed

1 regulations to update the meal patterns for  
2 meals and snacks served under the pro-  
3 gram under this section.

4 “(C) EXCEPTIONS.—

5 “(i) SPECIAL DIETARY NEEDS.—The  
6 minimum nutritional requirements pre-  
7 scribed under subparagraph (A) shall not  
8 prohibit institutions, family or group day  
9 care homes, and sponsored centers from  
10 substituting foods to accommodate the  
11 medical or other special dietary needs of  
12 individual participants.

13 “(ii) EXEMPT INSTITUTIONS.—The  
14 Secretary may elect to waive all or part of  
15 the requirements of this subsection for  
16 emergency shelters participating in the  
17 program under this section.

18 “(3) MEAL SERVICE.—Institutions, family or  
19 group day care homes, and sponsored centers shall  
20 ensure that reimbursable meal service contributes to  
21 the development and socialization of enrolled chil-  
22 dren by providing that food is not used as a punish-  
23 ment or reward.

24 “(4) FLUID MILK.—

1           “(A) IN GENERAL.—If an institution, fam-  
2           ily or group day care home, or sponsored center  
3           provides fluid milk as part of a reimbursable  
4           meal or supplement, the institution, family or  
5           group day care home, or sponsored center shall  
6           provide the milk in accordance with the most  
7           recent version of the Dietary Guidelines.

8           “(B) MILK SUBSTITUTES.—In the case of  
9           children who cannot consume fluid milk due to  
10          medical or other special dietary needs other  
11          than a disability, an institution, family or group  
12          day care home, or sponsored center may sub-  
13          stitute for the fluid milk required in meals  
14          served, a nondairy beverage that—

15               “(i) is nutritionally equivalent to fluid  
16               milk; and

17               “(ii) meets nutritional standards es-  
18               tablished by the Secretary, including,  
19               among other requirements established by  
20               the Secretary, fortification of calcium, pro-  
21               tein, vitamin A, and vitamin D to levels  
22               found in cow’s milk.

23          “(C) APPROVAL.—

1           “(i) IN GENERAL.—A substitution au-  
2           thorized under subparagraph (B) may be  
3           made—

4                   “(I) at the discretion of and on  
5                   approval by the participating day care  
6                   institution; and

7                   “(II) if the substitution is re-  
8                   quested by written statement of a  
9                   medical authority, or by the parent or  
10                  legal guardian of the child, that iden-  
11                  tifies the medical or other special die-  
12                  tary need that restricts the diet of the  
13                  child.

14                  “(ii) EXCEPTION.—An institution,  
15                  family or group day care home, or spon-  
16                  sored center that elects to make a substi-  
17                  tution authorized under this paragraph  
18                  shall not be required to provide beverages  
19                  other than beverages the State has identi-  
20                  fied as acceptable substitutes.

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

1           “(i) are incurred by the institution,  
2           family or group day care home, or spon-  
3           sored center to provide substitutions under  
4           this paragraph; and

5           “(ii) are in excess of expenses covered  
6           under reimbursements under this Act.

7           “(5) NONDISCRIMINATION POLICY.—No phys-  
8           ical segregation or other discrimination against any  
9           person shall be made because of the inability of the  
10          person to pay, nor shall there be any overt identi-  
11          fication of any such person by special tokens or tick-  
12          ets, different meals or meal service, announced or  
13          published lists of names, or other means.

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

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

21                 “(B) donated by the Secretary.”;

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

23          “(u) PROMOTING HEALTH AND WELLNESS IN CHILD  
24          CARE.—



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

5           “(A) to provide to all children under the  
6 supervision of the participating child care cen-  
7 ters and family or group day care homes daily  
8 opportunities for structured and unstructured  
9 age-appropriate physical activity; and

10           “(B) to limit among children under the su-  
11 pervision of the participating child care centers  
12 and family or group day care homes the use of  
13 electronic media to an appropriate level.

14           “(2) WATER CONSUMPTION.—Participating  
15 child care centers and family or group day care  
16 homes shall make available to children, as nutrition-  
17 ally appropriate, potable water as an acceptable fluid  
18 for consumption throughout the day, including at  
19 meal times.

20           “(3) TECHNICAL ASSISTANCE AND GUID-  
21 ANCE.—

22           “(A) IN GENERAL.—The Secretary shall  
23 provide technical assistance to institutions par-  
24 ticipating in the program under this section to  
25 assist participating child care centers and fam-

1           ily or group day care homes in complying with  
2           the nutritional requirements and wellness rec-  
3           ommendations prescribed by the Secretary in  
4           accordance with this subsection and subsection  
5           (g).

6           “(B) GUIDANCE.—Not later than January  
7           1, 2012, the Secretary shall issue guidance to  
8           States and institutions to encourage partici-  
9           pating child care centers and family or group  
10          day care homes serving meals and snacks under  
11          this section to—

12                 “(i) include foods that are rec-  
13                 ommended for increased serving consump-  
14                 tion in amounts recommended by the most  
15                 recent Dietary Guidelines for Americans  
16                 published under section 301 of the Na-  
17                 tional Nutrition Monitoring and Related  
18                 Research Act of 1990 (7 U.S.C. 5341), in-  
19                 cluding fresh, canned, dried, or frozen  
20                 fruits and vegetables, whole grain prod-  
21                 ucts, lean meat products, and low-fat and  
22                 non-fat dairy products; and

23                 “(ii) reduce sedentary activities and  
24                 provide opportunities for regular physical  
25                 activity in quantities recommended by the

1 most recent Dietary Guidelines for Ameri-  
2 cans described in clause (i).

3 “(C) NUTRITION.—Technical assistance  
4 relating to the nutritional requirements of this  
5 subsection and subsection (g) shall include—

6 “(i) nutrition education, including  
7 education that emphasizes the relationship  
8 between nutrition, physical activity, and  
9 health;

10 “(ii) menu planning;

11 “(iii) interpretation of nutrition labels;  
12 and

13 “(iv) food preparation and purchasing  
14 guidance to produce meals and snacks that  
15 are—

16 “(I) consistent with the goals of  
17 the most recent Dietary Guidelines;  
18 and

19 “(II) promote the health of the  
20 population served by the program  
21 under this section, as recommended  
22 by authoritative scientific organiza-  
23 tions.

1           “(D) PHYSICAL ACTIVITY.—Technical as-  
2           sistance relating to the physical activity require-  
3           ments of this subsection shall include—

4                   “(i) education on the importance of  
5                   regular physical activity to overall health  
6                   and well being; and

7                   “(ii) sharing of best practices for  
8                   physical activity plans in child care centers  
9                   and homes as recommended by authori-  
10                  tative scientific organizations.

11           “(E) ELECTRONIC MEDIA USE.—Technical  
12           assistance relating to the electronic media use  
13           requirements of this subsection shall include—

14                   “(i) education on the benefits of lim-  
15                   iting exposure to electronic media by chil-  
16                   dren; and

17                   “(ii) sharing of best practices for the  
18                   development of daily activity plans that  
19                   limit use of electronic media.

20           “(F) MINIMUM ASSISTANCE.—At a min-  
21           imum, the technical assistance required under  
22           this paragraph shall include a handbook, devel-  
23           oped by the Secretary in coordination with the  
24           Secretary for Health and Human Services, that  
25           includes recommendations, guidelines, and best

1 practices for participating institutions and fam-  
2 ily or group day care homes that are consistent  
3 with the nutrition, physical activity, and  
4 wellness requirements and recommendations of  
5 this subsection.

6 “(G) ADDITIONAL ASSISTANCE.—In addi-  
7 tion to the requirements of this paragraph, the  
8 Secretary shall develop and provide such appro-  
9 priate training and education materials, guid-  
10 ance, and technical assistance as the Secretary  
11 considers to be necessary to comply with the  
12 nutritional and wellness requirements of this  
13 subsection and subsection (g).

14 “(H) FUNDING.—

15 “(i) IN GENERAL.—On October 1,  
16 2010, out of any funds in the Treasury not  
17 otherwise appropriated, the Secretary of  
18 the Treasury shall transfer to the Sec-  
19 retary to provide technical assistance  
20 under this subsection \$10,000,000, to re-  
21 main available until expended.

22 “(ii) RECEIPT AND ACCEPTANCE.—  
23 The Secretary shall be entitled to receive,  
24 shall accept, and shall use to carry out this

1 subsection the funds transferred under  
2 clause (i), without further appropriation.”.

3 **SEC. 222. INTERAGENCY COORDINATION TO PROMOTE**  
4 **HEALTH AND WELLNESS IN CHILD CARE LI-**  
5 **CENSING.**

6 The Secretary shall coordinate with the Secretary of  
7 Health and Human Services to encourage State licensing  
8 agencies to include nutrition and wellness standards with-  
9 in State licensing standards that ensure, to the maximum  
10 extent practicable, that licensed child care centers and  
11 family or group day care homes—

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

16 (2) limit among children under the supervision  
17 of the child care centers and family or group day  
18 care homes the use of electronic media and the  
19 quantity of time spent in sedentary activity to an ap-  
20 propriate level;

21 (3) serve meals and snacks that are consistent  
22 with the requirements of the child and adult care  
23 food program established under section 17 of the  
24 Richard B. Russell National School Lunch Act (42  
25 U.S.C. 1766); and

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

3 **SEC. 223. STUDY ON NUTRITION AND WELLNESS QUALITY**  
4           **OF CHILD CARE SETTINGS.**

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

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

17                 (2) the quantity and type of opportunities for  
18                 physical activity provided to children in child care  
19                 settings;

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

22                 (4) an assessment of barriers and facilitators  
23                 to—

24                         (A) providing foods to children in child  
25                         care settings that meet the recommendations of

1 the most recent Dietary Guidelines for Ameri-  
2 cans published under section 301 of the Na-  
3 tional Nutrition Monitoring and Related Re-  
4 search Act of 1990 (7 U.S.C. 5341);

5 (B) providing the appropriate quantity and  
6 type of opportunities of physical activity for  
7 children in child care settings; and

8 (C) participation by child care centers and  
9 family or group day care homes in the child and  
10 adult care food program established under sec-  
11 tion 17 of the Richard B. Russell National  
12 School Lunch Act (42 U.S.C. 1766); and

13 (5) such other assessment measures as the Sec-  
14 retary may determine to be necessary.

15 (b) REPORT TO CONGRESS.—The Secretary shall  
16 submit to Congress a report that includes a detailed de-  
17 scription of the results of the study conducted under sub-  
18 section (a).

19 (c) FUNDING.—

20 (1) IN GENERAL.—On October 1, 2010, out of  
21 any funds in the Treasury not otherwise appro-  
22 priated, the Secretary of the Treasury shall transfer  
23 to the Secretary to carry out this section  
24 \$5,000,000, to remain available until expended.



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

6       **Subtitle C—Special Supplemental**  
7       **Nutrition Program for Women,**  
8       **Infants, and Children**

9       **SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PRO-**  
10       **GRAM.**

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

13           (1) in subsection (a), in the second sentence, by  
14       striking “supplemental foods and nutrition education  
15       through any eligible local agency” and inserting  
16       “supplemental foods and nutrition education, includ-  
17       ing breastfeeding promotion and support, through  
18       any eligible local agency”;

19           (2) in subsection (b)(4), by inserting  
20       “breastfeeding support and promotion,” after “nu-  
21       trition education,”;

22           (3) in subsection (c)(1), in the first sentence, by  
23       striking “supplemental foods and nutrition education  
24       to” and inserting “supplemental foods, nutrition

1 education, and breastfeeding support and promotion  
2 to”;

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

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

9 (6) in subsection (h)—

10 (A) in paragraph (4)—

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

14 “(4) REQUIREMENTS.—

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

16 “(i) in consultation”;

17 (ii) by redesignating subparagraphs  
18 (B) through (F) as clauses (ii) through  
19 (vi), respectively, and indenting appro-  
20 priately;

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

23 (iv) in clause (vi) (as so redesignated),  
24 by striking “2010 initiative.” and inserting  
25 “initiative; and”; and

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

2 “(vii) annually compile and publish  
3 breastfeeding performance measurements  
4 based on program participant data on the  
5 number of partially and fully breast-fed in-  
6 fants, including breastfeeding performance  
7 measurements for—

8 “(I) each State agency; and

9 “(II) each local agency;

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

17 “(ix) in accordance with subparagraph  
18 (C), implement a program to provide per-  
19 formance bonuses to State agencies.

20 “(B) EXEMPLARY BREASTFEEDING SUP-  
21 PORT PRACTICES.—

22 “(i) IN GENERAL.—In evaluating ex-  
23 emplary practices under subparagraph  
24 (A)(viii), the Secretary shall consider—

1           “(I) performance measurements  
2           of breastfeeding;

3           “(II) the effectiveness of a peer  
4           counselor program;

5           “(III) the extent to which the  
6           agency or clinic has partnered with  
7           other entities to build a supportive  
8           breastfeeding environment for women  
9           participating in the program; and

10           “(IV) such other criteria as the  
11           Secretary considers appropriate after  
12           consultation with State and local pro-  
13           gram agencies.

14           “(ii) AUTHORIZATION OF APPROPRIA-  
15           TIONS.—There is authorized to be appro-  
16           priated to carry out the activities described  
17           in clause (viii) of subparagraph (A) such  
18           sums as are necessary.

19           “(C) PERFORMANCE BONUSES.—

20           “(i) IN GENERAL.—Following the  
21           publication of breastfeeding performance  
22           measurements under subparagraph  
23           (A)(vii), the Secretary shall provide per-  
24           formance bonus payments to not more  
25           than 15 State agencies that demonstrate,

1 as compared to other State agencies par-  
2 ticipating in the program—

3 “(I) the highest proportion of  
4 breast-fed infants; or

5 “(II) the greatest improvement in  
6 proportion of breast-fed infants.

7 “(ii) CONSIDERATION.—In providing  
8 performance bonus payments to State  
9 agencies under this subparagraph, the Sec-  
10 retary shall consider the proportion of fully  
11 breast-fed infants in the States.

12 “(iii) USE OF FUNDS.—A State agen-  
13 cy that receives a performance bonus  
14 under clause (i)—

15 “(I) shall treat the funds as pro-  
16 gram income; and

17 “(II) may transfer the funds to  
18 local agencies for use in carrying out  
19 the program.

20 “(iv) IMPLEMENTATION.—The Sec-  
21 retary shall provide the first performance  
22 bonuses not later than 1 year after the  
23 date of enactment of this clause and may  
24 subsequently revise the criteria for award-  
25 ing performance bonuses; and”;

1 (B) by striking paragraph (10) and insert-  
2 ing the following:

3 “(10) FUNDS FOR INFRASTRUCTURE, MANAGE-  
4 MENT INFORMATION SYSTEMS, AND SPECIAL NUTRI-  
5 TION EDUCATION.—

6 “(A) IN GENERAL.—For each of fiscal  
7 years 2010 through 2015, the Secretary shall  
8 use for the purposes specified in subparagraph  
9 (B) \$139,000,000 (as adjusted annually for in-  
10 flation by the same factor used to determine the  
11 national average per participant grant for nutri-  
12 tion services and administration for the fiscal  
13 year under paragraph (1)(B)).

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

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

18 “(I) infrastructure for the pro-  
19 gram under this section;

20 “(II) special projects to promote  
21 breastfeeding, including projects to  
22 assess the effectiveness of particular  
23 breastfeeding promotion strategies;  
24 and

1                   “(III) special State projects of  
2                   regional or national significance to  
3                   improve the services of the program;

4                   “(ii) \$35,000,000 shall be used to es-  
5                   tablish, improve, or administer manage-  
6                   ment information systems for the program,  
7                   including changes necessary to meet new  
8                   legislative or regulatory requirements of  
9                   the program, of which up to \$5,000,000  
10                  may be used for Federal administrative  
11                  costs; and

12                  “(iii) \$90,000,000 shall be used for  
13                  special nutrition education (such as  
14                  breastfeeding peer counselors and other re-  
15                  lated activities), of which not more than  
16                  \$10,000,000 of any funding provided in  
17                  excess of \$50,000,000 shall be used to  
18                  make performance bonus payments under  
19                  paragraph (4)(C).

20                  “(C) ADJUSTMENT.—Each of the amounts  
21                  referred to in clauses (i), (ii), and (iii) of sub-  
22                  paragraph (B) shall be adjusted annually for  
23                  inflation by the same factor used to determine  
24                  the national average per participant grant for

1 nutrition services and administration for the  
2 fiscal year under paragraph (1)(B).

3 “(D) PROPORTIONAL DISTRIBUTION.—The  
4 Secretary shall distribute funds made available  
5 under subparagraph (A) in accordance with the  
6 proportional distribution described in subpara-  
7 graphs (B) and (C).”; and

8 (7) in subsection (j), by striking “supplemental  
9 foods and nutrition education” each place it appears  
10 in paragraphs (1) and (2) and inserting “supple-  
11 mental foods, nutrition education, and breastfeeding  
12 support and promotion”.

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

14 Section 17(f)(11)(D) of the Child Nutrition Act of  
15 1966 (42 U.S.C. 1786(f)(11)(D)) is amended in the mat-  
16 ter preceding clause (i) by inserting “but not less than  
17 every 10 years,” after “scientific knowledge,”.

18 **Subtitle D—Miscellaneous**

19 **SEC. 241. NUTRITION EDUCATION AND OBESITY PREVEN-**  
20 **TION GRANT PROGRAM.**

21 (a) IN GENERAL.—The Food and Nutrition Act of  
22 2008 (7 U.S.C. 2011 et seq.) is amended by adding at  
23 the end the following:



1 **“SEC. 28. NUTRITION EDUCATION AND OBESITY PREVEN-**  
2 **TION GRANT PROGRAM.**

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

8 “(1) an individual eligible for benefits under—

9 “(A) this Act;

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

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

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

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

20 “(b) PROGRAMS.—Consistent with the terms and  
21 conditions of grants awarded under this section, State  
22 agencies may implement a nutrition education and obesity  
23 prevention program for eligible individuals that promotes  
24 healthy food choices consistent with the most recent Die-  
25 tary Guidelines for Americans published under section 301

1 of the National Nutrition Monitoring and Related Re-  
2 search Act of 1990 (7 U.S.C. 5341).

3 “(c) DELIVERY OF NUTRITION EDUCATION AND  
4 OBESITY PREVENTION SERVICES.—

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

8 “(A) directly to eligible individuals; or

9 “(B) through agreements with other State  
10 or local agencies or community organizations.

11 “(2) NUTRITION EDUCATION STATE PLANS.—

12 “(A) IN GENERAL.—A State agency that  
13 elects to provide nutrition education and obesity  
14 prevention services under this subsection shall  
15 submit to the Secretary for approval a nutrition  
16 education State plan.

17 “(B) REQUIREMENTS.—Except as pro-  
18 vided in subparagraph (C), a nutrition edu-  
19 cation State plan shall—

20 “(i) identify the uses of the funding  
21 for local projects;

22 “(ii) ensure that the interventions are  
23 appropriate for eligible individuals who are  
24 members of low-income populations by rec-  
25 ognizing the constrained resources, and the

1 potential eligibility for Federal food assist-  
2 ance programs, of members of those popu-  
3 lations; and

4 “(iii) conform to standards established  
5 by the Secretary through regulations, guid-  
6 ance, or grant award documents.

7 “(C) TRANSITION PERIOD.—During each  
8 of fiscal years 2011 and 2012, a nutrition edu-  
9 cation State plan under this section shall be  
10 consistent with the requirements of section  
11 11(f) (as that section, other than paragraph  
12 (3)(C), existed on the day before the date of en-  
13 actment of this section).

14 “(3) USE OF FUNDS.—

15 “(A) IN GENERAL.—A State agency may  
16 use funds provided under this section for any  
17 evidence-based allowable use of funds identified  
18 by the Administrator of the Food and Nutrition  
19 Service of the Department of Agriculture in  
20 consultation with the Director of the Centers  
21 for Disease Control and Prevention of the De-  
22 partment of Health and Human Services, in-  
23 cluding—

1           “(i) individual and group-based nutri-  
2           tion education, health promotion, and  
3           intervention strategies;

4           “(ii) comprehensive, multilevel inter-  
5           ventions at multiple complementary organi-  
6           zational and institutional levels; and

7           “(iii) community and public health ap-  
8           proaches to improve nutrition.

9           “(B) CONSULTATION.—In identifying al-  
10          lowable uses of funds under subparagraph (A)  
11          and in seeking to strengthen delivery, oversight,  
12          and evaluation of nutrition education, the Ad-  
13          ministrator of the Food and Nutrition Service  
14          shall consult with the Director of the Centers  
15          for Disease Control and Prevention and outside  
16          stakeholders and experts, including—

17               “(i) representatives of the academic  
18               and research communities;

19               “(ii) nutrition education practitioners;

20               “(iii) representatives of State and  
21               local governments; and

22               “(iv) community organizations that  
23               serve low-income populations.

24          “(4) NOTIFICATION.—To the maximum extent  
25          practicable, State agencies shall notify applicants,

1 participants, and eligible individuals under this Act  
2 of the availability of nutrition education and obesity  
3 prevention services under this section in local com-  
4 munities.

5 “(5) COORDINATION.—Subject to the approval  
6 of the Secretary, projects carried out with funds re-  
7 ceived under this section may be coordinated with  
8 other health promotion or nutrition improvement  
9 strategies, whether public or privately funded, if the  
10 projects carried out with funds received under this  
11 section remain under the administrative control of  
12 the State agency.

13 “(d) FUNDING.—

14 “(1) IN GENERAL.—Of funds made available  
15 each fiscal year under section 18(a)(1), the Sec-  
16 retary shall reserve for allocation to State agencies  
17 to carry out the nutrition education and obesity pre-  
18 vention grant program under this section, to remain  
19 available for obligation for a period of 2 fiscal  
20 years—

21 “(A) for fiscal year 2011, \$375,000,000;

22 and

23 “(B) for fiscal year 2012 and each subse-  
24 quent fiscal year, the applicable amount during  
25 the preceding fiscal year, as adjusted to reflect

1 any increases for the 12-month period ending  
2 the preceding June 30 in the Consumer Price  
3 Index for All Urban Consumers published by  
4 the Bureau of Labor Statistics of the Depart-  
5 ment of Labor.

6 “(2) ALLOCATION.—

7 “(A) INITIAL ALLOCATION.—Of the funds  
8 set aside under paragraph (1), as determined  
9 by the Secretary—

10 “(i) for each of fiscal years 2011  
11 through 2013, 100 percent shall be allo-  
12 cated to State agencies in direct proportion  
13 to the amount of funding that the State  
14 received for carrying out section 11(f) (as  
15 that section existed on the day before the  
16 date of enactment of this section) during  
17 fiscal year 2009, as reported to the Sec-  
18 retary as of February 2010; and

19 “(ii) subject to a reallocation under  
20 subparagraph (B)—

21 “(I) for fiscal year 2014—

22 “(aa) 90 percent shall be al-  
23 located to State agencies in ac-  
24 cordance with clause (i); and

1           “(bb) 10 percent shall be al-  
2           located to State agencies based  
3           on the respective share of each  
4           State of the number of individ-  
5           uals participating in the supple-  
6           mental nutrition assistance pro-  
7           gram during the 12-month period  
8           ending the preceding January 31;  
9           “(II) for fiscal year 2015—

10           “(aa) 80 percent shall be al-  
11           located to State agencies in ac-  
12           cordance with clause (i); and

13           “(bb) 20 percent shall be al-  
14           located in accordance with sub-  
15           clause (I)(bb);

16           “(III) for fiscal year 2016—

17           “(aa) 70 percent shall be al-  
18           located to State agencies in ac-  
19           cordance with clause (i); and

20           “(bb) 30 percent shall be al-  
21           located in accordance with sub-  
22           clause (I)(bb);

23           “(IV) for fiscal year 2017—

1           “(aa) 60 percent shall be al-  
2           located to State agencies in ac-  
3           cordance with clause (i); and

4           “(bb) 40 percent shall be al-  
5           located in accordance with sub-  
6           clause (I)(bb); and

7           “(V) for fiscal year 2018 and  
8           each fiscal year thereafter—

9           “(aa) 50 percent shall be al-  
10          located to State agencies in ac-  
11          cordance with clause (i); and

12          “(bb) 50 percent shall be al-  
13          located in accordance with sub-  
14          clause (I)(bb).

15          “(B) REALLOCATION.—

16               “(i) IN GENERAL.—If the Secretary  
17               determines that a State agency will not ex-  
18               pend all of the funds allocated to the State  
19               agency for a fiscal year under paragraph  
20               (1) or in the case of a State agency that  
21               elects not to receive the entire amount of  
22               funds allocated to the State agency for a  
23               fiscal year, the Secretary shall reallocate  
24               the unexpended funds to other States dur-  
25               ing the fiscal year or the subsequent fiscal



1 year (as determined by the Secretary) that  
2 have approved State plans under which the  
3 State agencies may expend the reallocated  
4 funds.

5 “(ii) EFFECT OF ADDITIONAL  
6 FUNDS.—

7 “(I) FUNDS RECEIVED.—Any re-  
8 allocated funds received by a State  
9 agency under clause (i) for a fiscal  
10 year shall be considered to be part of  
11 the fiscal year 2009 base allocation of  
12 funds to the State agency for that fis-  
13 cal year for purposes of determining  
14 allocation under subparagraph (A) for  
15 the subsequent fiscal year.

16 “(II) FUNDS SURRENDERED.—  
17 Any funds surrendered by a State  
18 agency under clause (i) shall not be  
19 considered to be part of the fiscal year  
20 2009 base allocation of funds to a  
21 State agency for that fiscal year for  
22 purposes of determining allocation  
23 under subparagraph (A) for the sub-  
24 sequent fiscal year.

1           “(3) LIMITATION ON FEDERAL FINANCIAL PAR-  
2           TICIPATION.—

3                   “(A) IN GENERAL.—Grants awarded under  
4           this section shall be the only source of Federal  
5           financial participation under this Act in nutri-  
6           tion education and obesity prevention.

7                   “(B) EXCLUSION.—Any costs of nutrition  
8           education and obesity prevention in excess of  
9           the grants authorized under this section shall  
10          not be eligible for reimbursement under section  
11          16(a).

12          “(e) IMPLEMENTATION.—Not later than January 1,  
13          2012, the Secretary shall publish in the Federal Register  
14          a description of the requirements for the receipt of a grant  
15          under this section.”.

16          (b) CONFORMING AMENDMENTS.—

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

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

1 **SEC. 242. PROCUREMENT AND PROCESSING OF FOOD SERV-**  
2 **ICE PRODUCTS AND COMMODITIES.**

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

6 “(C) PROCUREMENT AND PROCESSING OF  
7 FOOD SERVICE PRODUCTS AND COMMOD-  
8 ITIES.—The Secretary shall—

9 “(i) identify, develop, and disseminate  
10 to State departments of agriculture and  
11 education, school food authorities, local  
12 educational agencies, and local processing  
13 entities, model product specifications and  
14 practices for foods offered in school nutri-  
15 tion programs under this Act and the  
16 Child Nutrition Act of 1966 (42 U.S.C.  
17 1771 et seq.) to ensure that the foods re-  
18 flect the most recent Dietary Guidelines  
19 for Americans published under section 301  
20 of the National Nutrition Monitoring and  
21 Related Research Act of 1990 (7 U.S.C.  
22 5341);

23 “(ii) not later than 1 year after the  
24 date of enactment of this subparagraph—

25 “(I) carry out a study to analyze  
26 the quantity and quality of nutritional

1 information available to school food  
2 authorities about food service prod-  
3 ucts and commodities; and

4 “(II) submit to Congress a report  
5 on the results of the study that con-  
6 tains such legislative recommendations  
7 as the Secretary considers necessary  
8 to ensure that school food authorities  
9 have access to the nutritional informa-  
10 tion needed for menu planning and  
11 compliance assessments; and

12 “(iii) to the maximum extent prac-  
13 ticable, in purchasing and processing com-  
14 modities for use in school nutrition pro-  
15 grams under this Act and the Child Nutri-  
16 tion Act of 1966 (42 U.S.C. 1771 et seq.),  
17 purchase the widest variety of healthful  
18 foods that reflect the most recent Dietary  
19 Guidelines for Americans.”.

20 **SEC. 243. ACCESS TO LOCAL FOODS: FARM TO SCHOOL**  
21 **PROGRAM.**

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

1           (1) by redesignating subsections (h) and (i) and  
2 subsection (j) (as added by section 210) as sub-  
3 sections (i) through (k), respectively;

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

9           “(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL  
10 PROGRAM.—

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

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

24           “(3) GRANTS.—

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

4                   “(i) training;

5                   “(ii) supporting operations;

6                   “(iii) planning;

7                   “(iv) purchasing equipment;

8                   “(v) developing school gardens;

9                   “(vi) developing partnerships; and

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

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

16                   “(i) geographical diversity; and

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

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

22           “(4) FEDERAL SHARE.—

23           “(A) IN GENERAL.—The Federal share of  
24           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) make local food products available on  
16                 the menu of the eligible school;

17                 “(B) serve a high proportion of children  
18                 who are eligible for free or reduced price  
19                 lunches;

20                 “(C) incorporate experiential nutrition edu-  
21                 cation activities in curriculum planning that en-  
22                 courage the participation of school children in  
23                 farm and garden-based agricultural education  
24                 activities;

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

5           “(E) include adequate and participatory  
6           evaluation plans;

7           “(F) demonstrate the potential for long-  
8           term program sustainability; and

9           “(G) meet any other criteria that the Sec-  
10          retary determines appropriate.

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

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

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

23               “(B) to collect and share information on  
24               best practices; and



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

4           “(8) FUNDING.—

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

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

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

21           “(h) PILOT PROGRAM FOR HIGH-POVERTY  
22 SCHOOLS.—

23           “(1) IN GENERAL.—”; and

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

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

5 (B) by redesignating paragraph (4) as  
6 paragraph (2); and

7 (C) in paragraph (2) (as so redesignated),  
8 by striking “2009” and inserting “2015”.

9 **SEC. 244. RESEARCH ON STRATEGIES TO PROMOTE THE SE-**  
10 **LECTION AND CONSUMPTION OF HEALTHY**  
11 **FOODS.**

12 (a) IN GENERAL.—The Secretary, in consultation  
13 with the Secretary of Health and Human Services, shall  
14 establish a research, demonstration, and technical assist-  
15 ance program to promote healthy eating and reduce the  
16 prevalence of obesity, among all population groups but es-  
17 pecially among children, by applying the principles and in-  
18 sights of behavioral economics research in schools, child  
19 care programs, and other settings.

20 (b) PRIORITIES.—The Secretary shall—

21 (1) identify and assess the impacts of specific  
22 presentation, placement, and other strategies for  
23 structuring choices on selection and consumption of  
24 healthful foods in a variety of settings, consistent  
25 with the most recent version of the Dietary Guide-

1 lines for Americans published under section 301 of  
2 the National Nutrition Monitoring and Related Re-  
3 search Act of 1990 (7 U.S.C. 5341);

4 (2) demonstrate and rigorously evaluate behav-  
5 ioral economics-related interventions that hold prom-  
6 ise to improve diets and promote health, including  
7 through demonstration projects that may include  
8 evaluation of the use of portion size, labeling, con-  
9 venience, and other strategies to encourage healthy  
10 choices; and

11 (3) encourage adoption of the most effective  
12 strategies through outreach and technical assistance.

13 (c) **AUTHORITY.**—In carrying out the program under  
14 subsection (a), the Secretary may—

15 (1) enter into competitively awarded contracts  
16 or cooperative agreements; or

17 (2) provide grants to States or public or private  
18 agencies or organizations, as determined by the Sec-  
19 retary.

20 (d) **APPLICATION.**—To be eligible to enter into a con-  
21 tract or cooperative agreement or receive a grant under  
22 this section, a State or public or private agency or organi-  
23 zation shall submit to the Secretary an application at such  
24 time, in such manner, and containing such information as  
25 the Secretary may require.

1 (e) COORDINATION.—The solicitation and evaluation  
2 of contracts, cooperative agreements, and grant proposals  
3 considered under this section shall be coordinated with the  
4 Food and Nutrition Service as appropriate to ensure that  
5 funded projects are consistent with the operations of Fed-  
6 erally supported nutrition assistance programs and related  
7 laws (including regulations).

8 (f) ANNUAL REPORTS.—Not later than 90 days after  
9 the end of each fiscal year, the Secretary shall submit to  
10 the Committee on Agriculture of the House of Representa-  
11 tives and the Committee on Agriculture, Nutrition, and  
12 Forestry of the Senate a report that includes a description  
13 of—

14 (1) the policies, priorities, and operations of the  
15 program carried out by the Secretary under this sec-  
16 tion during the fiscal year;

17 (2) the results of any evaluations completed  
18 during the fiscal year; and

19 (3) the efforts undertaken to disseminate suc-  
20 cessful practices through outreach and technical as-  
21 sistance.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There are authorized to be  
24 appropriated to carry out this section such sums as

1 are necessary for each of fiscal years 2011 through  
2 2015.

3 (2) USE OF FUNDS.—The Secretary may use  
4 up to 5 percent of the funds made available under  
5 paragraph (1) for Federal administrative expenses  
6 incurred in carrying out this section.

7 **TITLE III—IMPROVING THE MAN-**  
8 **AGEMENT AND INTEGRITY OF**  
9 **CHILD NUTRITION PRO-**  
10 **GRAMS**

11 **Subtitle A—National School Lunch**  
12 **Program**

13 **SEC. 301. PRIVACY PROTECTION.**

14 Section 9(d)(1) of the Richard B. Russell National  
15 School Lunch Act (42 U.S.C. 1758(d)(1)) is amended—

16 (1) in the first sentence, by inserting “the last  
17 4 digits of” before “the social security account num-  
18 ber”; and

19 (2) by striking the second sentence.

20 **SEC. 302. APPLICABILITY OF FOOD SAFETY PROGRAM ON**  
21 **ENTIRE SCHOOL CAMPUS.**

22 Section 9(h)(5) of the Richard B. Russell National  
23 School Lunch Act (42 U.S.C. 1758(h)(5)) is amended—

24 (1) by striking “Each school food” and insert-  
25 ing the following:

1           “(A) IN GENERAL.—Each school food”;  
2           and  
3           (2) by adding at the end the following:

4           “(B) APPLICABILITY.—Subparagraph (A)  
5           shall apply to any facility or part of a facility  
6           in which food is stored, prepared, or served for  
7           the purposes of the school nutrition programs  
8           under this Act or section 4 of the Child Nutri-  
9           tion Act of 1966 (42 U.S.C. 1773).”.

10 **SEC. 303. FINES FOR VIOLATING PROGRAM REQUIRE-**  
11 **MENTS.**

12           Section 22 of the Richard B. Russell National School  
13 Lunch Act (42 U.S.C. 1769c) is amended by adding at  
14 the end the following:

15           “(e) FINES FOR VIOLATING PROGRAM REQUIRE-  
16 MENTS.—

17           “(1) SCHOOL FOOD AUTHORITIES AND  
18 SCHOOLS.—

19           “(A) IN GENERAL.—The Secretary shall  
20           establish criteria by which the Secretary or a  
21           State agency may impose a fine against any  
22           school food authority or school administering a  
23           program authorized under this Act or the Child  
24           Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)

1 if the Secretary or the State agency determines  
2 that the school food authority or school has—

3 “(i) failed to correct severe mis-  
4 management of the program;

5 “(ii) disregarded a program require-  
6 ment of which the school food authority or  
7 school had been informed; or

8 “(iii) failed to correct repeated viola-  
9 tions of program requirements.

10 “(B) LIMITS.—

11 “(i) IN GENERAL.—In calculating the  
12 fine for a school food authority or school,  
13 the Secretary shall base the amount of the  
14 fine on the reimbursement earned by  
15 school food authority or school for the pro-  
16 gram in which the violation occurred.

17 “(ii) AMOUNT.—The amount under  
18 clause (i) shall not exceed—

19 “(I) 1 percent of the amount of  
20 meal reimbursements earned for the  
21 fiscal year for the first finding of 1 or  
22 more program violations under sub-  
23 paragraph (A);

24 “(II) 5 percent of the amount of  
25 meal reimbursements earned for the

1 fiscal year for the second finding of 1  
2 or more program violations under sub-  
3 paragraph (A); and

4 “(III) 10 percent of the amount  
5 of meal reimbursements earned for  
6 the fiscal year for the third or subse-  
7 quent finding of 1 or more program  
8 violations under subparagraph (A).

9 “(2) STATE AGENCIES.—

10 “(A) IN GENERAL.—The Secretary shall  
11 establish criteria by which the Secretary may  
12 impose a fine against any State agency admin-  
13 istering a program authorized under this Act or  
14 the Child Nutrition Act of 1966 (42 U.S.C.  
15 1771 et seq.) if the Secretary determines that  
16 the State agency has—

17 “(i) failed to correct severe mis-  
18 management of the program;

19 “(ii) disregarded a program require-  
20 ment of which the State had been in-  
21 formed; or

22 “(iii) failed to correct repeated viola-  
23 tions of program requirements.



1           “(B) LIMITS.—In the case of a State agen-  
2           cy, the amount of a fine under subparagraph  
3           (A) shall not exceed—

4                   “(i) 1 percent of funds made available  
5                   under section 7(a) of the Child Nutrition  
6                   Act of 1966 (42 U.S.C. 1776(a)) for State  
7                   administrative expenses during a fiscal  
8                   year for the first finding of 1 or more pro-  
9                   gram violations under subparagraph (A);

10                   “(ii) 5 percent of funds made avail-  
11                   able under section 7(a) of the Child Nutri-  
12                   tion Act of 1966 (42 U.S.C. 1776(a)) for  
13                   State administrative expenses during a fis-  
14                   cal year for the second finding of 1 or  
15                   more program violations under subpara-  
16                   graph (A); and

17                   “(iii) 10 percent of funds made avail-  
18                   able under section 7(a) of the Child Nutri-  
19                   tion Act of 1966 (42 U.S.C. 1776(a)) for  
20                   State administrative expenses during a fis-  
21                   cal year for the third or subsequent finding  
22                   of 1 or more program violations under sub-  
23                   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.—In addi-  
16                   tion to the topics described in clause (i), a  
17                   training program carried out under this  
18                   subparagraph shall include training mod-  
19                   ules on—

20                   “(I) nutrition;

21                   “(II) health and food safety  
22                   standards and methodologies; and

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

25                   “(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 proc-  
 2 essed 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 **SEC. 335. CHILD AND ADULT CARE FOOD PROGRAM AUDIT**  
2 **FUNDING.**

3 Section 17(i) of the Richard B. Russell National  
4 School Lunch Act (42 U.S.C. 1766(i)) is amended by  
5 striking paragraph (2) and inserting the following:

6 “(2) FUNDING.—

7 “(A) IN GENERAL.—The Secretary shall  
8 make available for each fiscal year to each  
9 State agency administering the child and adult  
10 care food program, for the purpose of con-  
11 ducting audits of participating institutions, an  
12 amount of up to 1.5 percent of the funds used  
13 by each State in the program under this sec-  
14 tion, during the second preceding fiscal year.

15 “(B) ADDITIONAL FUNDING.—

16 “(i) IN GENERAL.—Subject to clause  
17 (ii), for fiscal year 2016 and each fiscal  
18 year thereafter, the Secretary may increase  
19 the amount of funds made available to any  
20 State agency under subparagraph (A), if  
21 the State agency demonstrates that the  
22 State agency can effectively use the funds  
23 to improve program management under  
24 criteria established by the Secretary.

25 “(ii) LIMITATION.—The total amount  
26 of funds made available to any State agen-

1           cy under this paragraph shall not exceed 2  
2           percent of the funds used by each State  
3           agency in the program under this section,  
4           during the second preceding fiscal year.”.

5 **SEC. 336. REDUCING PAPERWORK AND IMPROVING PRO-**  
6 **GRAM ADMINISTRATION.**

7           (a) DEFINITION OF PROGRAM.—In this section, the  
8 term “program” means the child and adult care food pro-  
9 gram established under section 17 of the Richard B. Rus-  
10 sell National School Lunch Act (42 U.S.C. 1766).

11           (b) ESTABLISHMENT.—The Secretary, in conjunction  
12 with States and participating institutions, shall continue  
13 to examine the feasibility of reducing unnecessary or du-  
14 plicative paperwork resulting from regulations and record-  
15 keeping requirements for State agencies, institutions, fam-  
16 ily and group day care homes, and sponsored centers par-  
17 ticipating in the program.

18           (c) DUTIES.—At a minimum, the examination shall  
19 include—

20           (1) review and evaluation of the recommenda-  
21 tions, guidance, and regulatory priorities developed  
22 and issued to comply with section 119(i) of the Child  
23 Nutrition and WIC Reauthorization Act of 2004 (42  
24 U.S.C. 1766 note; Public Law 108–265); and



1           (2) examination of additional paperwork and  
2           administrative requirements that have been estab-  
3           lished since February 23, 2007, that could be re-  
4           duced or simplified.

5           (d) **ADDITIONAL DUTIES.**—The Secretary, in con-  
6           junction with States and institutions participating in the  
7           program, may also examine any aspect of administration  
8           of the program.

9           (e) **REPORT.**—Not later than 4 years after the date  
10          of enactment of this Act, the Secretary shall submit to  
11          Congress a report that describes the actions that have  
12          been taken to carry out this section, including—

13           (1) actions taken to address administrative and  
14           paperwork burdens identified as a result of compli-  
15           ance with section 119(i) of the Child Nutrition and  
16           WIC Reauthorization Act of 2004 (42 U.S.C. 1766  
17           note; Public Law 108–265);

18           (2) administrative and paperwork burdens iden-  
19           tified as a result of compliance with section 119(i)  
20           of that Act for which no regulatory action or policy  
21           guidance has been taken;

22           (3) additional steps that the Secretary is taking  
23           or plans to take to address any administrative and  
24           paperwork burdens identified under subsection (e)(2)  
25           and paragraph (2), including—

1 (A) new or updated regulations, policy,  
2 guidance, or technical assistance; and

3 (B) a timeframe for the completion of  
4 those steps; and

5 (4) recommendations to Congress for modifica-  
6 tions to existing statutory authorities needed to ad-  
7 dress identified administrative and paperwork bur-  
8 dens.

9 **SEC. 337. STUDY RELATING TO THE CHILD AND ADULT**  
10 **CARE FOOD PROGRAM.**

11 (a) **STUDY.**—The Secretary, acting through the Ad-  
12 ministrator of the Food and Nutrition Service, shall carry  
13 out a study of States participating in an afterschool sup-  
14 per program under the child and adult care food program  
15 established under section 17(r) of the Richard B. Russell  
16 National School Lunch Act (42 U.S.C. 1766(r)).

17 (b) **REPORT.**—Not later than 1 year after the date  
18 of enactment of this Act, the Secretary shall submit to  
19 Congress, and make available on the website of the Food  
20 and Nutrition Service, a report that describes—

21 (1) best practices of States in soliciting spon-  
22 sors for an afterschool supper program described in  
23 subsection (a); and

1           (2) any Federal or State laws or requirements  
2           that may be a barrier to participation in the pro-  
3           gram.

4   **Subtitle D—Special Supplemental**  
5   **Nutrition Program for Women,**  
6   **Infants, and Children**

7   **SEC. 351. SHARING OF MATERIALS WITH OTHER PRO-**  
8                           **GRAMS.**

9           Section 17(e)(3) of the Child Nutrition Act (42  
10   U.S.C. 1786(e)(3)) is amended by striking subparagraph  
11   (B) and inserting the following:

12                       “(B) SHARING OF MATERIALS WITH  
13                       OTHER PROGRAMS.—

14                       “(i) COMMODITY SUPPLEMENTAL  
15                       FOOD PROGRAM.—The Secretary may pro-  
16                       vide, in bulk quantity, nutrition education  
17                       materials (including materials promoting  
18                       breastfeeding) developed with funds made  
19                       available for the program authorized under  
20                       this section to State agencies administering  
21                       the commodity supplemental food program  
22                       established under section 5 of the Agri-  
23                       culture and Consumer Protection Act of  
24                       1973 (7 U.S.C. 612c note; Public Law 93–  
25                       86) at no cost to that program.

1           “(ii) CHILD AND ADULT CARE FOOD  
2           PROGRAM.—A State agency may allow the  
3           local agencies or clinics under the State  
4           agency to share nutrition educational ma-  
5           terials with institutions participating in the  
6           child and adult care food program estab-  
7           lished under section 17 of the Richard B.  
8           Russell National School Lunch Act (42  
9           U.S.C. 1766) at no cost to that program,  
10          if a written materials sharing agreement  
11          exists between the relevant agencies.”.

12 **SEC. 352. WIC PROGRAM MANAGEMENT.**

13          (a) WIC EVALUATION FUNDS.—Section 17(g)(5) of  
14 the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5))  
15 is amended by striking “\$5,000,000” and inserting  
16 “\$15,000,000”.

17          (b) WIC REBATE PAYMENTS.—Section 17(h)(8) of  
18 the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8))  
19 is amended by adding at the end the following:

20                 “(K) REPORTING.—Effective beginning  
21                 October 1, 2011, each State agency shall report  
22                 rebate payments received from manufacturers  
23                 in the month in which the payments are re-  
24                 ceived, rather than in the month in which the  
25                 payments were earned.”.

1 (c) COST CONTAINMENT MEASURE.—Section 17(h)  
 2 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h))  
 3 is amended—

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

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

9 “(9) COST CONTAINMENT MEASURE.—

10 “(A) DEFINITION OF COST CONTAINMENT  
 11 MEASURE.—In this subsection, the term ‘cost  
 12 containment measure’ means a competitive bid-  
 13 ding, rebate, direct distribution, or home deliv-  
 14 ery system implemented by a State agency as  
 15 described in the approved State plan of oper-  
 16 ation and administration of the State agency.

17 “(B) SOLICITATION AND REBATE BILLING  
 18 REQUIREMENTS.—Any State agency instituting  
 19 a cost containment measure for any authorized  
 20 food, including infant formula, shall—

21 “(i) in the bid solicitation—

22 “(I) identify the composition of  
 23 State alliances for the purposes of a  
 24 cost containment measure; and

1                   “(II) verify that no additional  
2                   States shall be added to the State alli-  
3                   ance between the date of the bid solie-  
4                   itation and the end of the contract;

5                   “(ii) have a system to ensure that re-  
6                   bate invoices under competitive bidding  
7                   provide a reasonable estimate or an actual  
8                   count of the number of units sold to par-  
9                   ticipants in the program under this sec-  
10                  tion;

11                  “(iii) open and read aloud all bids at  
12                  a public proceeding on the day on which  
13                  the bids are due; and

14                  “(iv) unless otherwise exempted by  
15                  the Secretary, provide a minimum of 30  
16                  days between the publication of the solici-  
17                  tation and the date on which the bids are  
18                  due.

19                  “(C) STATE ALLIANCES FOR AUTHORIZED  
20                  FOODS OTHER THAN INFANT FORMULA.—Pro-  
21                  gram requirements relating to the size of State  
22                  alliances under paragraph (8)(A)(iv) shall apply  
23                  to cost containment measures established for  
24                  any authorized food under this section.”.

1 (d) ELECTRONIC BENEFIT TRANSFER.—Section  
2 17(h) of the Child Nutrition Act of 1966 (42 U.S.C.  
3 1786(h)) is amended by striking paragraph (12) and in-  
4 serting the following:

5 “(12) ELECTRONIC BENEFIT TRANSFER.—

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

7 “(i) ELECTRONIC BENEFIT TRANS-  
8 FER.—The term ‘electronic benefit trans-  
9 fer’ means a food delivery system that pro-  
10 vides benefits using a card or other access  
11 device approved by the Secretary that per-  
12 mits electronic access to program benefits.

13 “(ii) PROGRAM.—The term ‘program’  
14 means the special supplemental nutrition  
15 program established by this section.

16 “(B) REQUIREMENTS.—

17 “(i) IN GENERAL.—Not later than Oc-  
18 tober 1, 2020, each State agency shall be  
19 required to implement electronic benefit  
20 transfer systems throughout the State, un-  
21 less the Secretary grants an exemption  
22 under subparagraph (C) for a State agency  
23 that is facing unusual barriers to imple-  
24 ment an electronic benefit transfer system.

1           “(ii) RESPONSIBILITY.—The State  
2 agency shall be responsible for the coordi-  
3 nation and management of the electronic  
4 benefit transfer system of the agency.

5           “(C) EXEMPTIONS.—

6           “(i) IN GENERAL.—To be eligible for  
7 an exemption from the statewide imple-  
8 mentation requirements of subparagraph  
9 (B)(i), a State agency shall demonstrate to  
10 the satisfaction of the Secretary 1 or more  
11 of the following:

12                   “(I) There are unusual techno-  
13 logical barriers to implementation.

14                   “(II) Operational costs are not  
15 affordable within the nutrition serv-  
16 ices and administration grant of the  
17 State agency.

18                   “(III) It is in the best interest of  
19 the program to grant the exemption.

20           “(ii) SPECIFIC DATE.—A State agency  
21 requesting an exemption under clause (i)  
22 shall specify a date by which the State  
23 agency anticipates statewide implementa-  
24 tion described in subparagraph (B)(i).

25           “(D) REPORTING.—



1           “(i) IN GENERAL.—Each State agency  
2 shall submit to the Secretary electronic  
3 benefit transfer project status reports to  
4 demonstrate the progress of the State to-  
5 ward statewide implementation.

6           “(ii) CONSULTATION.—If a State  
7 agency plans to incorporate additional pro-  
8 grams in the electronic benefit transfer  
9 system of the State, the State agency shall  
10 consult with the State agency officials re-  
11 sponsible for administering the programs  
12 prior to submitting the planning docu-  
13 ments to the Secretary for approval.

14           “(iii) REQUIREMENTS.—At a min-  
15 imum, a status report submitted under  
16 clause (i) shall contain—

17                   “(I) an annual outline of the  
18 electronic benefit transfer implemen-  
19 tation goals and objectives of the  
20 State;

21                   “(II) appropriate updates in ac-  
22 cordance with approval requirements  
23 for active electronic benefit transfer  
24 State agencies; and

1                   “(III) such other information as  
2                   the Secretary may require.

3                   “(E) IMPOSITION OF COSTS ON VEN-  
4                   DORS.—

5                   “(i) COST PROHIBITION.—Except as  
6                   otherwise provided in this paragraph, the  
7                   Secretary may not impose, or allow a State  
8                   agency to impose, the costs of any equip-  
9                   ment or system required for electronic ben-  
10                  efit transfers on any authorized vendor in  
11                  order to transact electronic benefit trans-  
12                  fers if the vendor equipment or system is  
13                  used solely to support the program.

14                  “(ii) COST-SHARING.—The Secretary  
15                  shall establish criteria for cost-sharing by  
16                  State agencies and vendors of costs associ-  
17                  ated with any equipment or system that is  
18                  not solely dedicated to transacting elec-  
19                  tronic benefit transfers for the program.

20                  “(iii) FEES.—

21                  “(I) IN GENERAL.—A vendor  
22                  that elects to accept electronic benefit  
23                  transfers using multifunction equip-  
24                  ment shall pay commercial transaction  
25                  processing costs and fees imposed by

1 a third-party processor that the ven-  
2 dor elects to use to connect to the  
3 electronic benefit transfer system of  
4 the State.

5 “(II) INTERCHANGE FEES.—No  
6 interchange fees shall apply to elec-  
7 tronic benefit transfer transactions  
8 under this paragraph.

9 “(iv) STATEWIDE OPERATIONS.—  
10 After completion of statewide expansion of  
11 a system for transaction of electronic ben-  
12 efit transfers—

13 “(I) a State agency may not be  
14 required to incur ongoing mainte-  
15 nance costs for vendors using multi-  
16 function systems and equipment to  
17 support electronic benefit transfers;  
18 and

19 “(II) any retail store in the State  
20 that applies for authorization to be-  
21 come a program vendor shall be re-  
22 quired to demonstrate the capability  
23 to accept program benefits electroni-  
24 cally prior to authorization, unless the  
25 State agency determines that the ven-

1           dor is necessary for participant ac-  
2           cess.

3           “(F) MINIMUM LANE COVERAGE.—

4           “(i) IN GENERAL.—The Secretary  
5           shall establish minimum lane coverage  
6           guidelines for vendor equipment and sys-  
7           tems used to support electronic benefit  
8           transfers.

9           “(ii) PROVISION OF EQUIPMENT.—If  
10          a vendor does not elect to accept electronic  
11          benefit transfers using its own multi-  
12          function equipment, the State agency shall  
13          provide such equipment as is necessary to  
14          solely support the program to meet the es-  
15          tablished minimum lane coverage guide-  
16          lines.

17          “(G) TECHNICAL STANDARDS.—The Sec-  
18          retary shall—

19                 “(i) establish technical standards and  
20                 operating rules for electronic benefit trans-  
21                 fer systems; and

22                 “(ii) require each State agency, con-  
23                 tractor, and authorized vendor partici-  
24                 pating in the program to demonstrate com-

1                   pliance with the technical standards and  
2                   operating rules.”.

3           (e) UNIVERSAL PRODUCT CODES DATABASE.—Sec-  
4 tion 17(h) of the Child Nutrition Act of 1966 (42 U.S.C.  
5 1786(h)) is amended by striking paragraph (13) and in-  
6 serting the following:

7                   “(13) UNIVERSAL PRODUCT CODES DATA-  
8           BASE.—

9                   “(A) IN GENERAL.—Not later than 2 years  
10           after the date of enactment of the Healthy,  
11           Hunger-Free Kids Act of 2010, the Secretary  
12           shall establish a national universal product code  
13           database to be used by all State agencies in  
14           carrying out the requirements of paragraph  
15           (12).

16                   “(B) FUNDING.—

17                   “(i) IN GENERAL.—On October 1,  
18           2010, and on each October 1 thereafter,  
19           out of any funds in the Treasury not oth-  
20           erwise appropriated, the Secretary of the  
21           Treasury shall transfer to the Secretary to  
22           carry out this paragraph \$1,000,000, to  
23           remain available until expended.

24                   “(ii) RECEIPT AND ACCEPTANCE.—  
25           The Secretary shall be entitled to receive,

1 shall accept, and shall use to carry out this  
2 paragraph the funds transferred under  
3 clause (i), without further appropriation.

4 “(iii) USE OF FUNDS.—The Secretary  
5 shall use the funds provided under clause  
6 (i) for development, hosting, hardware and  
7 software configuration, and support of the  
8 database required under subparagraph  
9 (A).”.

10 (f) TEMPORARY SPENDING AUTHORITY.—Section  
11 17(i) of the Child Nutrition Act of 1966 (42 U.S.C.  
12 1786(i)) is amended by adding at the end the following:

13 “(8) TEMPORARY SPENDING AUTHORITY.—  
14 During each of fiscal years 2012 and 2013, the Sec-  
15 retary may authorize a State agency to expend more  
16 than the amount otherwise authorized under para-  
17 graph (3)(C) for expenses incurred under this sec-  
18 tion for supplemental foods during the preceding fis-  
19 cal year, if the Secretary determines that—

20 “(A) there has been a significant reduction  
21 in reported infant formula cost containment  
22 savings for the preceding fiscal year due to the  
23 implementation of subsection (h)(8)(K); and

1           “(B) the reduction would affect the ability  
2           of the State agency to serve all eligible partici-  
3           pants.”.

## 4           **Subtitle E—Miscellaneous**

### 5   **SEC. 361. FULL USE OF FEDERAL FUNDS.**

6           Section 12 of the Richard B. Russell National School  
7   Lunch Act (42 U.S.C. 1760) is amended by striking sub-  
8   section (b) and inserting the following:

9           “(b) AGREEMENTS.—

10           “(1) IN GENERAL.—The Secretary shall incor-  
11           porate, in the agreement of the Secretary with the  
12           State agencies administering programs authorized  
13           under this Act or the Child Nutrition Act of 1966  
14           (42 U.S.C. 1771 et seq.), the express requirements  
15           with respect to the operation of the programs to the  
16           extent applicable and such other provisions as in the  
17           opinion of the Secretary are reasonably necessary or  
18           appropriate to effectuate the purposes of this Act  
19           and the Child Nutrition Act of 1966 (42 U.S.C.  
20           1771 et seq.).

21           “(2) EXPECTATIONS FOR USE OF FUNDS.—  
22           Agreements described in paragraph (1) shall include  
23           a provision that—

24           “(A) supports full use of Federal funds  
25           provided to State agencies for the administra-





1       **TITLE IV—MISCELLANEOUS**  
2       **Subtitle A—Reauthorization of**  
3       **Expiring Provisions**

4       **PART I—RICHARD B. RUSSELL NATIONAL**  
5       **SCHOOL LUNCH ACT**

6       **SEC. 401. COMMODITY SUPPORT.**

7           Section 6(e)(1)(B) of the Richard B. Russell National  
8 School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended  
9 by striking “September 30, 2010” and inserting “Sep-  
10 tember 30, 2020”.

11       **SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.**

12           Section 9(h) of the Richard B. Russell National  
13 School Lunch Act (42 U.S.C. 1758(h)) is amended—

14               (1) in paragraph (3), by striking “2006  
15 through 2010” and inserting “2011 through 2015”;  
16 and

17               (2) in paragraph (4), by striking “2006  
18 through 2010” and inserting “2011 through 2015”.

19       **SEC. 403. PROCUREMENT TRAINING.**

20           Section 12(m)(4) of the Richard B. Russell National  
21 School Lunch Act (42 U.S.C. 1760(m)(4)) is amended by  
22 striking “2005 through 2009” and inserting “2010  
23 through 2015”.

1 **SEC. 404. AUTHORIZATION OF THE SUMMER FOOD SERVICE**  
2 **PROGRAM FOR CHILDREN.**

3 Subsection (r) of section 13 of the Richard B. Russell  
4 National School Lunch Act (42 U.S.C. 1761) (as redesignig-  
5 nated by section 322(1)) is amended by striking “Sep-  
6 tember 30, 2009” and inserting “September 30, 2015”.

7 **SEC. 405. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.**

8 Subsection (i)(5) of section 18 of the Richard B. Rus-  
9 sell National School Lunch Act (42 U.S.C. 1769) (as re-  
10 designated by section 243(1)) is amended by striking  
11 “2005 through 2010” and inserting “2011 through  
12 2015”.

13 **SEC. 406. TRAINING, TECHNICAL ASSISTANCE, AND FOOD**  
14 **SERVICE MANAGEMENT INSTITUTE.**

15 Section 21(e) of the Richard B. Russell National  
16 School Lunch Act (42 U.S.C. 1769b-1(e)) is amended—

17 (1) by striking “(e) AUTHORIZATION OF AP-  
18 PROPRIATIONS” and all that follows through the end  
19 of paragraph (2)(A) and inserting the following:

20 “(e) FOOD SERVICE MANAGEMENT INSTITUTE.—

21 “(1) FUNDING.—

22 “(A) IN GENERAL.—In addition to any  
23 amounts otherwise made available for fiscal  
24 year 2011, on October 1, 2010, and each Octo-  
25 ber 1 thereafter, out of any funds in the Treas-  
26 ury not otherwise appropriated, the Secretary of

1 the Treasury shall transfer to the Secretary to  
2 carry out subsection (a)(2) \$5,000,000, to re-  
3 main available until expended.

4 “(B) RECEIPT AND ACCEPTANCE.—The  
5 Secretary shall be entitled to receive, shall ac-  
6 cept, and shall use to carry out subsection  
7 (a)(2) the funds transferred under subpara-  
8 graph (A), without further appropriation.”;

9 (2) by redesignating subparagraphs (B) and  
10 (C) as paragraphs (2) and (3), respectively, and in-  
11 denting appropriately;

12 (3) in paragraph (2) (as so redesignated), by  
13 striking “subparagraph (A)” each place it appears  
14 and inserting “paragraph (1)”; and

15 (4) in paragraph (3) (as so redesignated), by  
16 striking “subparagraphs (A) and (B)” and inserting  
17 “paragraphs (1) and (2)”.

18 **SEC. 407. FEDERAL ADMINISTRATIVE SUPPORT.**

19 Section 21(g)(1)(A) of the Richard B. Russell Na-  
20 tional School Lunch Act (42 U.S.C. 1769b–1(g)(1)(A)) is  
21 amended—

22 (1) in clause (i), by striking “and” at the end;

23 (2) in clause(ii), by striking the period at the  
24 end and inserting “; and”

25 (3) and by adding at the end the following:

1                   “(iii) on October 1, 2010, and every  
2                   October 1 thereafter, \$4,000,000.”.

3 **SEC. 408. COMPLIANCE AND ACCOUNTABILITY.**

4           Section 22(d) of the Richard B. Russell National  
5 School Lunch Act (42 U.S.C. 1769c(d)) is amended by  
6 striking “\$6,000,000 for each of fiscal years 2004 through  
7 2009” and inserting “\$10,000,000 for each of fiscal years  
8 2011 through 2015”.

9 **SEC. 409. INFORMATION CLEARINGHOUSE.**

10          Section 26(d) of the Richard B. Russell National  
11 School Lunch Act (42 U.S.C. 1769g(d)) is amended in  
12 the first sentence by striking “2005 through 2010” and  
13 inserting “2010 through 2015”.

14           **PART II—CHILD NUTRITION ACT OF 1966**

15 **SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.**

16          Section 7(i)(4) of the Child Nutrition Act of 1966  
17 (42 U.S.C. 1776(i)(4)) is amended by striking “2005  
18 through 2009” and inserting “2010 through 2015”.

19 **SEC. 422. STATE ADMINISTRATIVE EXPENSES.**

20          Section 7(j) of the Child Nutrition Act of 1966 (42  
21 U.S.C. 1776(j)) is amended by striking “October 1, 2009”  
22 and inserting “October 1, 2015”.

1 **SEC. 423. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**  
 2 **FOR WOMEN, INFANTS, AND CHILDREN.**

3 Section 17(g)(1)(A) of the Child Nutrition Act of  
 4 1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking  
 5 “each of fiscal years 2004 through 2009” and inserting  
 6 “each of fiscal years 2010 through 2015”.

7 **SEC. 424. FARMERS MARKET NUTRITION PROGRAM.**

8 Section 17(m)(9) of the Child Nutrition Act of 1966  
 9 (42 U.S.C. 1786(m)(9)) is amended by striking subpara-  
 10 graph (A) and inserting the following:

11 “(A) AUTHORIZATION OF APPROPRIA-  
 12 TIONS.—There are authorized to be appro-  
 13 priated to carry out this subsection such sums  
 14 as are necessary for each of fiscal years 2010  
 15 through 2015.”.

16 **Subtitle B—Technical Amendments**

17 **SEC. 441. TECHNICAL AMENDMENTS.**

18 (a) RICHARD B. RUSSELL NATIONAL SCHOOL  
 19 LUNCH ACT.—

20 (1) NUTRITIONAL REQUIREMENTS.—Section  
 21 9(f) of the Richard B. Russell National School  
 22 Lunch Act (42 U.S.C. 1758(f)) is amended—

23 (A) by striking “(f)” and all that follows  
 24 through the end of paragraph (1) and inserting  
 25 the following:

26 “(f) NUTRITIONAL REQUIREMENTS.—

1           “(1) IN GENERAL.—Schools that are partici-  
2           pating in the school lunch program or school break-  
3           fast program shall serve lunches and breakfasts  
4           that—

5                   “(A) are consistent with the goals of the  
6                   most recent Dietary Guidelines for Americans  
7                   published under section 301 of the National  
8                   Nutrition Monitoring and Related Research Act  
9                   of 1990 (7 U.S.C. 5341); and

10                   “(B) consider the nutrient needs of chil-  
11                   dren who may be at risk for inadequate food in-  
12                   take and food insecurity.”;

13                   (B) by striking paragraph (2); and

14                   (C) by redesignating paragraphs (3)  
15                   through (5) as paragraphs (2) through (4), re-  
16                   spectively.

17           (2) ROUNDING RULES FOR COMPUTATION OF  
18           ADJUSTMENT.—Section 11(a)(3)(B) of the Richard  
19           B. Russell National School Lunch Act (42 U.S.C.  
20           1759a(a)(3)(B)) is amended by striking “ROUND-  
21           ING.—” and all that follows through “On July” in  
22           subclause (II) and inserting “ROUNDING.—On  
23           July”.

24           (3) INFORMATION AND ASSISTANCE CON-  
25           CERNING REIMBURSEMENT OPTIONS.—Section 11 of

1 the Richard B. Russell National School Lunch Act  
 2 (42 U.S.C. 1759a) is amended by striking subsection  
 3 (f).

4 (4) 1995 REGULATIONS TO IMPLEMENT DIE-  
 5 TARY GUIDELINES.—Section 12 of the Richard B.  
 6 Russell National School Lunch Act (42 U.S.C.  
 7 1760) is amended by striking subsection (k).

8 (5) SUMMER FOOD SERVICE PROGRAM FOR  
 9 CHILDREN.—

10 (A) IN GENERAL.—Section 13 of the Rich-  
 11 ard B. Russell National School Lunch Act (42  
 12 U.S.C. 1761) is amended by striking the section  
 13 heading and all that follows through the end of  
 14 subsection (a)(1) and inserting the following:

15 **“SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHIL-  
 16 DREN.**

17 **“(a) IN GENERAL.—**

18 **“(1) DEFINITIONS.—In this section:**

19 **“(A) AREA IN WHICH POOR ECONOMIC  
 20 CONDITIONS EXIST.—**

21 **“(i) IN GENERAL.—Subject to clause**  
 22 **(ii), the term ‘area in which poor economic**  
 23 **conditions exist’, as the term relates to an**  
 24 **area in which a program food service site**  
 25 **is located, means—**

1           “(I) the attendance area of a  
2 school in which at least 50 percent of  
3 the enrolled children have been deter-  
4 mined eligible for free or reduced  
5 price school meals under this Act and  
6 the Child Nutrition Act of 1966 (42  
7 U.S.C. 1771 et seq.);

8           “(II) a geographic area, as de-  
9 fined by the Secretary based on the  
10 most recent census data available, in  
11 which at least 50 percent of the chil-  
12 dren residing in that area are eligible  
13 for free or reduced price school meals  
14 under this Act and the Child Nutri-  
15 tion Act of 1966 (42 U.S.C. 1771 et  
16 seq.);

17           “(III) an area—

18           “(aa) for which the program  
19 food service site documents the  
20 eligibility of enrolled children  
21 through the collection of income  
22 eligibility statements from the  
23 families of enrolled children or  
24 other means; and



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“(bb) at least 50 percent of the children enrolled at the program food service site meet the income standards for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(IV) a geographic area, as defined by the Secretary based on information provided from a department of welfare or zoning commission, in which at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

“(V) an area for which the program food service site demonstrates through other means approved by the Secretary that at least 50 percent of the children enrolled at the program food service site are eligible for free or reduced price school meals under this

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

3 “(ii) DURATION OF DETERMINA-  
4 TION.—A determination that an area is an  
5 ‘area in which poor economic conditions  
6 exist’ under clause (i) shall be in effect  
7 for—

8 “(I) in the case of an area de-  
9 scribed in clause (i)(I), 5 years;

10 “(II) in the case of an area de-  
11 scribed in clause (i)(II), until more re-  
12 cent census data are available;

13 “(III) in the case of an area de-  
14 scribed in clause (i)(III), 1 year; and

15 “(IV) in the case of an area de-  
16 scribed in subclause (IV) or (V) of  
17 clause (i), a period of time to be de-  
18 termined by the Secretary, but not  
19 less than 1 year.

20 “(B) CHILDREN.—The term ‘children’  
21 means—

22 “(i) individuals who are 18 years of  
23 age and under; and

24 “(ii) individuals who are older than 18  
25 years of age who are—

1           “(I) determined by a State edu-  
2           cational agency or a local public edu-  
3           cational agency of a State, in accord-  
4           ance with regulations promulgated by  
5           the Secretary, to have a disability,  
6           and

7           “(II) participating in a public or  
8           nonprofit private school program es-  
9           tablished for individuals who have a  
10          disability.

11          “(C) PROGRAM.—The term ‘program’  
12          means the summer food service program for  
13          children authorized by this section.

14          “(D) SERVICE INSTITUTION.—The term  
15          ‘service institution’ means a public or private  
16          nonprofit school food authority, local, munic-  
17          ipal, or county government, public or private  
18          nonprofit higher education institution partici-  
19          pating in the National Youth Sports Program,  
20          or residential public or private nonprofit sum-  
21          mer camp, that develops special summer or  
22          school vacation programs providing food service  
23          similar to food service made available to chil-  
24          dren during the school year under the school  
25          lunch program under this Act or the school

1 breakfast program under the Child Nutrition  
2 Act of 1966 (42 U.S.C. 1771 et seq.).

3 “(E) STATE.—The term ‘State’ means—

4 “(i) each of the several States of the  
5 United States;

6 “(ii) the District of Columbia;

7 “(iii) the Commonwealth of Puerto  
8 Rico;

9 “(iv) Guam;

10 “(v) American Samoa;

11 “(vi) the Commonwealth of the North-  
12 ern Mariana Islands; and

13 “(vii) the United States Virgin Is-  
14 lands.”.

15 (B) CONFORMING AMENDMENTS.—Section  
16 13(a) of the Richard B. Russell National School  
17 Lunch Act (42 U.S.C. 1761(a)) is amended—

18 (i) in paragraph (2)—

19 (I) by striking “(2) To the max-  
20 imum extent feasible,” and inserting  
21 the following:

22 “(2) PROGRAM AUTHORIZATION.—

23 “(A) IN GENERAL.—The Secretary may  
24 carry out a program to assist States, through  
25 grants-in-aid and other means, to initiate and

1 maintain nonprofit summer food service pro-  
2 grams for children in service institutions.

3 “(B) PREPARATION OF FOOD.—

4 “(i) IN GENERAL.—To the maximum  
5 extent feasible,”; and

6 (II) by striking “The Secretary  
7 shall” and inserting the following:

8 “(ii) INFORMATION AND TECHNICAL  
9 ASSISTANCE.—The Secretary shall”;

10 (ii) in paragraph (3)—

11 (I) by striking “(3) Eligible serv-  
12 ice institutions” and inserting the fol-  
13 lowing:

14 “(3) ELIGIBLE SERVICE INSTITUTIONS.—Eligi-  
15 ble service institutions”;

16 (II) by indenting subparagraphs  
17 (A) through (D) appropriately;

18 (iii) in paragraph (4)—

19 (I) by redesignating subpara-  
20 graphs (A) through (D) as clauses (i)  
21 through (iv), respectively, and indent-  
22 ing appropriately;

23 (II) by striking “(4) The fol-  
24 lowing” and inserting the following:

25 “(4) PRIORITY.—

1                   “(A) IN GENERAL.—The following”; and  
2                                   (III) by striking “The Secretary  
3                                   and the States” and inserting the fol-  
4                                   lowing:

5                   “(B) RURAL AREAS.—The Secretary and  
6                   the States”;

7                                   (iv) by striking “(5) Camps” and in-  
8                                   serting the following:

9                   “(5) CAMPS.—Camps”; and

10                                  (v) by striking “(6) Service institu-  
11                                  tions” and inserting the following:

12                   “(6) GOVERNMENT INSTITUTIONS.—Service in-  
13                   stitutions”.

14                   (6) REPORT ON IMPACT OF PROCEDURES TO  
15                   SECURE STATE SCHOOL INPUT ON COMMODITY SE-  
16                   LECTION.—Section 14(d) of the Richard B. Russell  
17                   National School Lunch Act (42 U.S.C. 1762a(d)) is  
18                   amended by striking the matter that follows para-  
19                   graph (5).

20                   (7) RURAL AREA DAY CARE HOME PILOT PRO-  
21                   GRAM.—Section 17 of the Richard B. Russell Na-  
22                   tional School Lunch Act (42 U.S.C. 1766) is amend-  
23                   ed by striking subsection (p).

24                   (8) CHILD AND ADULT CARE FOOD PROGRAM  
25                   TRAINING AND TECHNICAL ASSISTANCE.—Section

1 17(q) of the Richard B. Russell National School  
2 Lunch Act (42 U.S.C. 1766(q)) is amended by strik-  
3 ing paragraph (3).

4 (9) PILOT PROJECT FOR PRIVATE NONPROFIT  
5 STATE AGENCIES.—Section 18 of the Richard B.  
6 Russell National School Lunch Act (42 U.S.C.  
7 1769) is amended by striking subsection (a).

8 (10) MEAL COUNTING AND APPLICATION PILOT  
9 PROGRAMS.—Section 18(c) of the Richard B. Russell  
10 National School Lunch Act (42 U.S.C. 1769(c)) is  
11 amended—

12 (A) by striking paragraphs (1) and (2);

13 (B) by redesignating paragraphs (3) and  
14 (4) as paragraphs (1) and (2), respectively; and

15 (C) in paragraph (1) (as so redesignated),  
16 by striking “In addition to the pilot projects de-  
17 scribed in this subsection, the Secretary may  
18 conduct other” and inserting “The Secretary  
19 may conduct”.

20 (11) MILK FORTIFICATION PILOT.—Section 18  
21 of the Richard B. Russell National School Lunch  
22 Act (42 U.S.C. 1769) is amended by striking sub-  
23 section (d).

24 (12) FREE BREAKFAST PILOT PROJECT.—Sec-  
25 tion 18 of the Richard B. Russell National School

1 Lunch Act (42 U.S.C. 1769) is amended by striking  
2 subsection (e).

3 (13) SUMMER FOOD SERVICE RESIDENTIAL  
4 CAMP ELIGIBILITY.—Section 18 of the Richard B.  
5 Russell National School Lunch Act (42 U.S.C.  
6 1769) is amended by striking subsection (f).

7 (14) ACCOMMODATION OF THE SPECIAL DIE-  
8 TARY NEEDS OF INDIVIDUALS WITH DISABILITIES.—  
9 Section 27 of the Richard B. Russell National  
10 School Lunch Act (42 U.S.C. 1769h) is repealed.

11 (b) CHILD NUTRITION ACT OF 1966.—

12 (1) STATE ADMINISTRATIVE EXPENSES MIN-  
13 IMUM LEVELS FOR 2005 THROUGH 2007.—Section  
14 7(a)(1) of the Child Nutrition Act of 1966 (42  
15 U.S.C. 1776(a)(1)) is amended—

16 (A) in subparagraph (A), by striking “Ex-  
17 cept as provided in subparagraph (B), each fis-  
18 cal year” and inserting “Each fiscal year”;

19 (B) by striking subparagraph (B); and

20 (C) by redesignating subparagraph (C) as  
21 subparagraph (B).

22 (2) FRUIT AND VEGETABLE GRANTS UNDER  
23 THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM  
24 FOR WOMEN, INFANTS, AND CHILDREN.—Section



1 17(f)(11) of the Child Nutrition Act of 1966 (42  
2 U.S.C. 1786(f)(11)) is amended—

3 (A) by striking subparagraph (C); and

4 (B) by redesignating subparagraph (D) as  
5 subparagraph (C).

6 **SEC. 442. USE OF UNSPENT FUTURE FUNDS FROM THE**  
7 **AMERICAN RECOVERY AND REINVESTMENT**  
8 **ACT OF 2009.**

9 Section 101(a) of division A of the American Recov-  
10 ery and Reinvestment Act of 2009 (Public Law 111–5;  
11 123 Stat. 120) is amended—

12 (1) in paragraph (1), by inserting before the pe-  
13 riod at the end “, if the value of the benefits and  
14 block grants would be greater under that calculation  
15 than in the absence of this subsection”; and

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

18 “(2) TERMINATION.—The authority provided by  
19 this subsection shall terminate after October 31,  
20 2013.”.

21 **SEC. 443. EQUIPMENT ASSISTANCE TECHNICAL CORREC-**  
22 **TION.**

23 (a) IN GENERAL.—Notwithstanding any other provi-  
24 sion of law, school food authorities that received a grant  
25 for equipment assistance under the grant program carried

1 out under the heading “FOOD AND NUTRITION  
2 SERVICE CHILD NUTRITION PROGRAMS” in title  
3 I of division A of the American Recovery and Reinvest-  
4 ment Act of 2009 (Public Law 111–5; 123 Stat. 119) shall  
5 be eligible to receive a grant under section 749(j) of the  
6 Agriculture, Rural Development, Food and Drug Adminis-  
7 tration, and Related Agencies Appropriations Act, 2010  
8 (Public Law 111–80; 123 Stat. 2134).

9 (b) USE OF GRANT.—A school food authority receiv-  
10 ing a grant for equipment assistance described in sub-  
11 section (a) may use the grant only to make equipment  
12 available to schools that did not previously receive equip-  
13 ment from a grant under the American Recovery and Re-  
14 investment Act of 2009 (Public Law 111–5; 123 Stat.  
15 115).

16 **SEC. 444. BUDGETARY EFFECTS.**

17 The budgetary effects of this Act, for the purpose of  
18 complying with the Statutory Pay-As-You-Go-Act of 2010,  
19 shall be determined by reference to the latest statement  
20 titled “Budgetary Effects of PAYGO Legislation” for this  
21 Act, submitted for printing in the Congressional Record  
22 by the Chairman of the Senate Budget Committee, pro-  
23 vided that such statement has been submitted prior to the  
24 vote on passage.

1 **SEC. 445. EFFECTIVE DATE.**

2       Except as otherwise specifically provided in this Act  
3 or any of the amendments made by this Act, this Act and  
4 the amendments made by this Act take effect on October  
5 1, 2010.

      Passed the Senate August 5, 2010.

      Attest:

*Secretary.*

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3307**

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**AN ACT**

To reauthorize child nutrition programs, and for  
other purposes.