

111TH CONGRESS
2^D SESSION

H. R. 5504

To reauthorize child nutrition programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2010

Mr. GEORGE MILLER of California (for himself, Mrs. MCCARTHY of New York, Mr. PLATTS, Mr. POLIS of Colorado, Mr. COURTNEY, Ms. CHU, Mr. LOEBSACK, Mr. MCGOVERN, Mr. SESTAK, Ms. TITUS, Mr. HOLT, Mr. TONKO, Ms. FUDGE, Mr. WU, Mr. HINOJOSA, Mrs. CAPPS, Mr. PIERLUISI, Mr. SABLAN, Mr. KILDEE, Mrs. DAVIS of California, Mr. PAYNE, Mr. GRIJALVA, Mr. KUCINICH, Mr. ANDREWS, Mr. HARE, Ms. CLARKE, Ms. HIRONO, Mr. BISHOP of New York, Ms. SHEA-PORTER, Ms. WOOLSEY, and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reauthorize child nutrition programs, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Improving Nutrition for America’s Children Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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. Categorical eligibility of foster children.
 Sec. 102. Improving direct certification.
 Sec. 103. Direct certification for children receiving medicaid benefits.
 Sec. 104. Eliminating individual applications through community eligibility.
 Sec. 105. Year-round school based meal service.
 Sec. 106. School Breakfast Expansion Grants.

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 Program year-round option.
 Sec. 114. Rural Access to Summer Food Service Program.

Subtitle C—Child and Adult Care Food Program

- Sec. 121. Simplifying area eligibility determinations in the child and adult care
 food program.
 Sec. 122. Child and Adult Care Food Program Reimbursement.

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. Policies and Practices to Prevent Overt Identification.
 Sec. 144. Study relating to the child and adult care food program.
 Sec. 145. Weekends and holidays without hunger.

TITLE II—IMPROVING NUTRITION QUALITY

Subtitle A—School Nutrition Programs

- Sec. 201. Performance-based reimbursement rate increases for new meal pat-
 terns.
 Sec. 202. Nutrition requirements for fluid milk.
 Sec. 203. Water.
 Sec. 204. Nutrition standards for all foods sold in school.
 Sec. 205. Local school wellness policy implementation.
 Sec. 206. Information on the school wellness environment.
 Sec. 207. State Nutrition and wellness promotion.
 Sec. 208. Access to local foods: farm to school.

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. 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. 242. Procurement technical assistance and guidance.
- Sec. 243. Research on strategies to promote healthy eating.
- Sec. 244. Food Marketing Study.
- Sec. 245. National School Lunch Program Equipment Assistance Grants.
- Sec. 246. Green cafeterias pilot program.
- Sec. 247. Partnerships for Wellness Grants.

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

Subtitle A—National School Lunch Program

- Sec. 301. Indirect costs.
- Sec. 302. Revenue from nonprogram foods sold in schools.
- Sec. 303. Reporting and notification of school performance.
- Sec. 304. Compliance and accountability study.
- Sec. 305. Applicability of food safety program on entire school campus.
- Sec. 306. Ensuring safety of school meals.
- Sec. 307. Information on commodity food suppliers.
- Sec. 308. Privacy protection.
- Sec. 309. Fines for violating program requirements.
- Sec. 310. Independent review of applications.
- Sec. 311. Program evaluation.

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. Application submission by sponsored family or group day care homes.
- Sec. 334. Administrative payments to sponsoring organizations.
- Sec. 335. Child and adult care food program audit funding.
- Sec. 336. Reducing paperwork and improving program administration.

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 1—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

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

PART 2—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. Equipment assistance technical correction.
- Sec. 443. Budgetary effects.
- Sec. 444. Effective date.

1 SEC. 2. DEFINITION OF SECRETARY.

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

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

5 **SEC. 101. CATEGORICAL ELIGIBILITY OF FOSTER CHIL-**
6 **DREN.**

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (c) DOCUMENTATION.—Section 9(d)(2) of the Rich-
15 ard B. Russell National School Lunch Act (42 U.S.C.
16 1758(d)(2)) is amended—

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

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

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

22 “(F)(i) documentation has been provided
23 to the appropriate local educational agency
24 showing the status of the child as a foster child
25 whose care and placement is the responsibility

1 of an agency that administers a State plan
2 under part B or E of title IV of the Social Se-
3 curity Act (42 U.S.C. 621 et seq.); or

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

9 **SEC. 102. IMPROVING DIRECT CERTIFICATION.**

10 (a) PERFORMANCE AWARDS.—Section 9(b)(4) of the
11 Richard B. Russell National School Lunch Act (42 U.S.C.
12 1758(b)(4)) is amended—

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

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

17 “(E) PERFORMANCE AWARDS.—

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

1 “(ii) REQUIREMENTS.—For each
2 school year described in clause (i), the Sec-
3 retary shall—

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

10 “(II) make performance awards
11 to not more than 15 States that the
12 Secretary determines demonstrate ei-
13 ther—

14 “(aa) outstanding perform-
15 ance; or

16 “(bb) substantial improve-
17 ment.

18 “(iii) USE OF FUNDS.—A State that
19 receives a performance award under clause
20 (i)—

21 “(I) shall treat the funds as pro-
22 gram income to support State activi-
23 ties with respect to the school lunch
24 program and school breakfast pro-
25 gram; and

1 “(II) shall allocate a portion of
2 the funds to local educational agencies
3 for use in carrying out the school
4 lunch program under this Act and
5 school breakfast program under the
6 Child Nutrition Act of 1966 (42
7 U.S.C. 1771 et seq.), with priority for
8 such agencies that demonstrate the
9 highest improvement in directly certi-
10 fying eligible children under this para-
11 graph.

12 “(iv) FUNDING.—

13 “(I) IN GENERAL.—On October
14 1, 2011, and each subsequent October
15 1 through October 1, 2013, out of any
16 funds in the Treasury not otherwise
17 appropriated, the Secretary of the
18 Treasury shall transfer to the Sec-
19 retary—

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

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

24 “(II) RECEIPT AND ACCEPT-
25 ANCE.—The Secretary shall be enti-

1 tled to receive, shall accept, and shall
2 use to carry out this clause the funds
3 transferred under subclause (I), with-
4 out further appropriation.

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

11 (b) CONTINUOUS IMPROVEMENT PLANS.—Section
12 9(b)(4) of the Richard B. Russell National School Lunch
13 Act (42 U.S.C. 1758(b)(4)) (as amended by subsection
14 (a)) is amended by adding at the end the following:

15 “(F) CONTINUOUS IMPROVEMENT
16 PLANS.—

17 “(i) DEFINITION OF REQUIRED PER-
18 CENTAGE.—In this subparagraph, the term
19 required percentage means—

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

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

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

4 “(ii) REQUIREMENTS.—Each school
5 year, the Secretary shall—

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

16 “(II) require the States identified
17 under subclause (I) to implement a
18 continuous improvement plan de-
19 scribed in clause (iii)(II) to fully meet
20 the requirements of this paragraph,
21 which shall include a plan to improve
22 direct certification for the following
23 school year; and

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

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

4 “(iii) CONTINUOUS IMPROVEMENT
5 PLANS.—

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

13 “(II) REQUIREMENTS.—At a
14 minimum, a continuous improvement
15 plan described in this subclause shall
16 include—

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

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

4 “(cc) goals for the State to
5 improve direct certification re-
6 sults to become in compliance
7 with the required percentage
8 under clause (i).”.

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

13 “(G) WITHOUT FURTHER APPLICATION.—

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

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

1 **SEC. 103. DIRECT CERTIFICATION FOR CHILDREN RECEIV-**
2 **ING MEDICAID BENEFITS.**

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

6 “(15) DIRECT CERTIFICATION FOR CHILDREN
7 RECEIVING MEDICAID BENEFITS.—

8 “(A) IMPLEMENTATION.—

9 “(i) IN GENERAL.—For the school
10 year beginning on July 1, 2011, and each
11 subsequent school year, subject to para-
12 graph (6), the Secretary shall carry out a
13 program under which local educational
14 agencies in States selected pursuant to
15 clause (ii), or electing under clause (iii), to
16 participate in the program may directly
17 certify eligible children under this para-
18 graph as eligible for free lunches under
19 this Act and free breakfasts under the
20 Child Nutrition Act of 1966 (42 U.S.C.
21 1771 et seq.), without further application
22 (as defined in paragraph (4)(G)).

23 “(ii) SELECTED STATES.—The Sec-
24 retary shall select—

25 “(I) for the school year beginning
26 July 1, 2011, up to 2 States that may

1 directly certify eligible children under
2 this paragraph;

3 “(II) for the school year begin-
4 ning July 1, 2013, up to 5 States that
5 may directly certify eligible children
6 under this paragraph;

7 “(III) for the school year begin-
8 ning July 1, 2015, up to 10 States
9 that may directly certify eligible chil-
10 dren under this paragraph;

11 “(IV) for the school year begin-
12 ning July 1, 2017, up to 15 States
13 that may directly certify eligible chil-
14 dren under this paragraph; and

15 “(V) for the school year begin-
16 ning July 1, 2018, up to 25 States
17 that may directly certify eligible chil-
18 dren under this paragraph.

19 “(iii) STATE OPTION.—For the school
20 year beginning July 1, 2019, and each
21 subsequent school year, any State may
22 elect to directly certify eligible children
23 under this paragraph.

24 “(B) STATE SELECTION.—

1 “(i) IN GENERAL.—To be eligible to
2 directly certify eligible children under this
3 paragraph, a State shall submit to the Sec-
4 retary an application at such time, in such
5 manner, and containing such information
6 as the Secretary may require.

7 “(ii) CONSIDERATIONS.—In selecting
8 States under subparagraph (A)(ii), the
9 Secretary may take into consideration such
10 factors as the Secretary considers to be ap-
11 propriate, which may include—

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

14 “(II) the State’s share of individ-
15 uals who are eligible for benefits
16 under the supplemental nutrition as-
17 sistance program established under
18 the Food and Nutrition Act of 2008
19 (7 U.S.C. 2011 et seq.) who partici-
20 pate in the program, as determined by
21 the Secretary;

22 “(III) the feasibility of matching
23 data between local educational agen-
24 cies and the Medicaid program in
25 such State; and

1 “(IV) the socioeconomic profile of
2 the State or local educational agencies
3 in such State.

4 “(C) AGREEMENT.—

5 “(i) IN GENERAL.—Not later than
6 July 1 of the first school year during
7 which a State will directly certify eligible
8 children under this paragraph, a State
9 shall enter into an agreement with the
10 State agency conducting eligibility deter-
11 minations for the Medicaid program.

12 “(ii) WITHOUT FURTHER APPLICA-
13 TION.—Subject to paragraph (6), the
14 agreement described in clause (i) shall es-
15 tablish procedures under which an eligible
16 child shall be certified for free lunches
17 under this Act and free breakfasts under
18 section 4 of the Child Nutrition Act of
19 1966 (42 U.S.C. 1773), without further
20 application (as defined in paragraph
21 (4)(G)).

22 “(D) ACCESS TO DATA.—For purposes of
23 carrying out the program under this paragraph,
24 the Secretary shall have access to income and

1 program participation information from public
2 agencies administering the Medicaid program.

3 “(E) REPORT TO CONGRESS.—Not later
4 than October 1, 2014, the Secretary shall sub-
5 mit to the Committee on Education and Labor
6 of the House of Representatives and the Com-
7 mittee on Agriculture, Nutrition, and Forestry
8 of the Senate, a report that describes imple-
9 mentation of the direct certification option
10 under this paragraph.

11 “(F) DEFINITIONS.—In this paragraph:

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

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

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

1 sion required by such section) applica-
2 ble to a family of the size used for
3 purposes of determining eligibility for
4 the Medicaid program; or

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

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

16 “(G) FUNDING.—

17 “(i) IN GENERAL.—On October 1,
18 2010, out of any funds in the Treasury not
19 otherwise appropriated, the Secretary of
20 the Treasury shall transfer to the Sec-
21 retary to carry out subparagraph (E)
22 \$1,000,000, to remain available until ex-
23 pended.

24 “(ii) RECEIPT AND ACCEPTANCE.—
25 The Secretary shall be entitled to receive,

1 shall accept, and shall use to carry out
2 subparagraph (E) the funds transferred
3 under clause (i), without further appro-
4 priation.”.

5 (b) DOCUMENTATION.—Section 9(d)(2) of the Rich-
6 ard B. Russell National School Lunch Act (42 U.S.C.
7 1758(d)(2)) (as amended by section 101(c)) is amended—

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

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

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

13 “(G) documentation has been provided to
14 the appropriate local educational agency show-
15 ing the status of the child as an eligible child
16 (as defined in subsection (b)(15)(F)).”.

17 **SEC. 104. ELIMINATING INDIVIDUAL APPLICATIONS**
18 **THROUGH COMMUNITY ELIGIBILITY.**

19 (a) UNIVERSAL MEAL SERVICE IN HIGH POVERTY
20 AREAS.—

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

1 “(F) UNIVERSAL MEAL SERVICE IN HIGH
2 POVERTY AREAS.—

3 “(i) DEFINITION OF IDENTIFIED STU-
4 DENTS.—For purposes of this subpara-
5 graph, the term ‘identified students’ means
6 students certified as eligible for free or re-
7 duced price lunch under this Act based on
8 documentation of benefit receipt or cat-
9 egorical eligibility as described in section
10 245.6a(c)(2) of title 7, Code of Federal
11 Regulations (or successor regulations).

12 “(ii) ELECTION OF SPECIAL ASSIST-
13 ANCE PAYMENTS.—

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

24 “(aa) during a period of 4
25 successive school years, the local

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

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

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

24 “(dd) during the school year
25 prior to the first year of the pe-

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

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

24 “(III) OTHER FEDERAL PRO-
25 GRAMS.—A local educational agency

1 that elects to receive special payments
2 under this subparagraph for all
3 schools in the agency or on behalf of
4 certain schools in the agency, such
5 agency may use the data described in
6 clause (iv) or (v), as applicable, to
7 make eligibility or allocation deter-
8 minations for the purposes of other
9 Federal programs that utilize free and
10 reduced price lunch data for eligibility
11 determinations, including the program
12 providing discounts to schools under
13 section 254(h) of the Communications
14 Act of 1934.

15 “(iii) FIRST YEAR OF OPTION.—

16 “(I) SPECIAL ASSISTANCE PAY-
17 MENT.—For each month of the first
18 school year of the 4-year period dur-
19 ing which a school or local educational
20 agency elects to receive payments
21 under this subparagraph, special as-
22 sistance payments at the rate for free
23 meals shall be made under this sub-
24 paragraph for a percentage of all re-
25 imburseable meals served in an amount

1 equal to the product obtained by mul-
2 tipling—

3 “(aa) the multiplier de-
4 scribed in clause (vii); by

5 “(bb) the percentage of
6 identified students at the school
7 or local educational agency as of
8 April 1 of the prior school year,
9 up to a maximum of 100 percent.

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

15 “(iv) SECOND, THIRD, OR FOURTH
16 YEAR OF OPTION.—

17 “(I) SPECIAL ASSISTANCE PAY-
18 MENT.—For each month of the sec-
19 ond, third, or fourth school year of
20 the 4-year period during which a
21 school or local educational agency
22 elects to receive payments under this
23 subparagraph, special assistance pay-
24 ments at the rate for free meals shall
25 be made under this subparagraph for

1 a percentage of all reimbursable meals
2 served in an amount equal to the
3 product obtained by multiplying—

4 “(aa) the multiplier de-
5 scribed in clause (vii); by

6 “(bb) the higher of the per-
7 centage of identified students at
8 the school or local educational
9 agency as of April 1 of the prior
10 school year or the percentage of
11 identified students at the school
12 or local educational agency as of
13 April 1 of the school year prior to
14 the first year that the school or
15 local educational agency elected
16 to receive special assistance pay-
17 ments under this subparagraph,
18 up to a maximum of 100 percent.

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

24 “(v) GRACE YEAR.—

1 “(I) IN GENERAL.—If, not later
2 than April 1 of the fourth year of a
3 4-year period described in clause
4 (ii)(I), a school or local educational
5 agency has a percentage of enrolled
6 students who are identified students
7 that meets or exceeds a percentage
8 that is 10 percentage points lower
9 than the threshold described in clause
10 (viii), the school or local educational
11 agency may elect to receive special as-
12 sistance payments under subclause
13 (II) for an additional grace year.

14 “(II) SPECIAL ASSISTANCE PAY-
15 MENT.—For each month of a grace
16 year, special assistance payments at
17 the rate for free meals shall be made
18 under this subparagraph for a per-
19 centage 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 percentage of
25 identified students at the school

1 or local educational agency as of
2 April 1 of the prior school year,
3 up to a maximum of 100 percent.

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

9 “(vi) APPLICATIONS.—A school or
10 local educational agency that receives spe-
11 cial assistance payments under this sub-
12 paragraph may not be required to collect
13 applications for free and reduced price
14 lunches.

15 “(vii) MULTIPLIER.—

16 “(I) PHASE-IN.—For each school
17 year beginning on or before July 1,
18 2013, the multiplier shall be 1.6.

19 “(II) FULL IMPLEMENTATION.—
20 For each school year beginning on or
21 after July 1, 2014, for a local edu-
22 cational agency that makes the elec-
23 tion described in clause (ii), on behalf
24 of all schools in the agency or on be-
25 half of certain schools in the agency,

1 for a new period of 4 years, in consid-
2 eration of the finding of the report re-
3 quired under clause (xii), the Sec-
4 retary may use—

5 “(aa) a multiplier between
6 1.3 and 1.6; and

7 “(bb) subject to item (aa), a
8 different multiplier for different
9 schools or local educational agen-
10 cies.

11 “(viii) THRESHOLD.—

12 “(I) PHASE-IN.—For each school
13 year beginning on or before July 1,
14 2013, the threshold shall be 40 per-
15 cent.

16 “(II) FULL IMPLEMENTATION.—

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

21 “(ix) PHASE-IN.—

22 “(I) IN GENERAL.—In selecting
23 States for participation during the
24 phase-in period, the Secretary shall
25 select States with an adequate num-

1 ber and variety of schools and local
2 educational agencies that could ben-
3 efit from the option under this sub-
4 paragraph, as determined by the Sec-
5 retary.

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

13 “(aa) for the school year be-
14 ginning on July 1, 2011, 3
15 States; and

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

20 “(x) ELECTION OF OPTION.—

21 “(I) IN GENERAL.—For each
22 school year beginning on or after July
23 1, 2014, any local educational agency
24 eligible to make the election described
25 in clause (ii) for all schools in the

1 agency or on behalf of certain schools
2 in the agency may elect to receive spe-
3 cial assistance payments under clause
4 (iii) for the next school year if, not
5 later than June 30 of the current
6 school year, the local educational
7 agency submits to the State agency
8 the percentage of identified students
9 at the school or local educational
10 agency.

11 “(II) STATE AGENCY NOTIFICA-
12 TION.—Not later than May 1 of each
13 school year beginning on or after July
14 1, 2011, each State agency with
15 schools or local educational agencies
16 that may be eligible to elect to receive
17 special assistance payments under this
18 subparagraph shall notify—

19 “(aa) each local educational
20 agency that meets or exceeds the
21 threshold described in clause
22 (viii) that the local educational
23 agency is eligible to elect to re-
24 ceive special assistance payments
25 under clause (iii) for the next 4

1 school years, of the blended reim-
2 bursement rate the local edu-
3 cational agency would receive
4 under clause (iii), and of the pro-
5 cedures for the local educational
6 agency to make the election;

7 “(bb) each local educational
8 agency that receives special as-
9 sistance payments under clause
10 (iii) of the blended reimburse-
11 ment rate the local educational
12 agency would receive under
13 clause (iv);

14 “(cc) each local educational
15 agency in the fourth year of
16 electing to receive special assist-
17 ance payments under this sub-
18 paragraph that does not meet the
19 threshold described in clause
20 (viii) but that meets or exceeds a
21 percentage that is 10 percentage
22 points lower than the threshold
23 described in clause (viii) and that
24 receives special assistance pay-
25 ments under clause (iv), that the

1 local educational agency may
2 continue to receive such pay-
3 ments for the next school year, of
4 the blended reimbursement rate
5 the local educational agency
6 would receive under clause (v),
7 and of the procedures for the
8 local educational agency to make
9 the election; and

10 “(dd) each local educational
11 agency that does not meet the
12 threshold described in clause
13 (viii) but that meets or exceeds a
14 percentage that is 10 percentage
15 points lower than the threshold
16 described in clause (viii) that the
17 local educational agency may be
18 eligible to elect to receive special
19 assistance payments under clause
20 (iii) if the threshold described in
21 clause (viii) is met by April 1 of
22 the school year or if the thresh-
23 old is met for a subsequent
24 school year.

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

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

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

1 “(bb) a list of the schools
2 that do not meet the threshold
3 described in clause (viii) but that
4 meet or exceed a percentage that
5 is 10 percentage points lower
6 than the threshold described in
7 clause (viii) and that are in the
8 fourth year of receiving special
9 assistance payments under clause
10 (iv); and

11 “(cc) a list of the schools
12 that do not meet the threshold
13 described in clause (viii) but that
14 meet or exceed a percentage that
15 is 10 percentage points lower
16 than the threshold described in
17 clause (viii).

18 “(xi) IMPLEMENTATION.—

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

24 “(II) REGULATIONS.—Not later
25 than December 31, 2013, the Sec-

1 retary shall promulgate regulations
2 that establish procedures for State
3 agencies, local educational agencies,
4 and schools to meet the requirements
5 of this subparagraph, including exer-
6 cising the option described in this sub-
7 paragraph.

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

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

22 “(bb) the blended reimburse-
23 ment rate that each local edu-
24 cational agency would receive;
25 and

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

6 “(xii) REPORT.—Not later than De-
7 cember 31, 2013, the Secretary shall pub-
8 lish and submit to the Committee on Edu-
9 cation and Labor of the House of Rep-
10 resentatives and the Committee on Agri-
11 culture, Nutrition, and Forestry of the
12 Senate, a report that describes—

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

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

22 “(aa) barriers to participa-
23 tion in the special assistance op-
24 tion under this subparagraph, as
25 described by the nonparticipating

1 schools and local educational
2 agencies; and

3 “(bb) changes to the special
4 assistance option under this sub-
5 paragraph that would make eligi-
6 ble schools and local educational
7 agencies more likely to elect to
8 receive special assistance pay-
9 ments;

10 “(III) for schools and local edu-
11 cational agencies that elect to receive
12 special assistance payments under this
13 subparagraph—

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

16 “(bb) an estimate of the per-
17 centage of identified students and
18 the percentage of enrolled stu-
19 dents who were certified to re-
20 ceive free or reduced price meals
21 in the school year prior to the
22 election to receive special assist-
23 ance payments under this sub-
24 paragraph, and a description of

1 how the ratio between those per-
2 centages compares to 1.6;

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

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

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

19 “(aa) program integrity;

20 “(bb) whether a breakfast
21 program is offered;

22 “(cc) the type of breakfast
23 program offered;

24 “(dd) the nutritional quality
25 of school meals; and

1 “(ee) program participation;
2 and

3 “(V) the multiplier and thresh-
4 old, as described in clauses (vii) and
5 (viii) respectively, that the Secretary
6 plans to use for each school year be-
7 ginning on or after July 1, 2014, and
8 the rationale for any change in the
9 multiplier or threshold.

10 “(xiii) FUNDING.—

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

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

24 (2) CONFORMING AMENDMENTS.—Section
25 11(a)(1)(B) of the Richard B. Russell National

1 School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is
2 amended by striking “or (E)” and inserting “(E), or
3 (F)”.

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

8 “(g) UNIVERSAL MEAL SERVICE THROUGH SOCIO-
9 ECONOMIC DATA.—

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

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

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

21 “(2) ALTERNATIVE METHODS.—

22 “(A) IN GENERAL.—Alternatives under
23 paragraph (1) shall—

24 “(i) consider the recommendations of
25 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; and

5 “(ii) include a method based on a
6 periodic socioeconomic survey of house-
7 holds of children attending school in a
8 school food authority that meets the re-
9 quirements of subparagraph (E).

10 “(B) USE OF ALTERNATIVE METHODS.—

11 At the discretion of the Secretary, alternative
12 methods described in subparagraph (A) that
13 provide accurate and effective means of pro-
14 viding meal reimbursement consistent with the
15 eligibility status of students may be—

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

18 “(I) to serve all breakfasts and
19 lunches at no charge to students in
20 accordance with regulations issued by
21 the Secretary; and

22 “(II) to pay, from sources other
23 than Federal funds, the costs of serv-
24 ing any lunches and breakfasts that
25 are in excess of the value of assistance

1 received under this Act or the Child
2 Nutrition Act of 1966 (42 U.S.C.
3 1771 et seq.) with respect to the num-
4 ber of lunches and breakfasts served
5 during the applicable period; or

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

10 “(C) DEMONSTRATION PROJECTS.—

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

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

19 “(II) applications for eligibility
20 for free or reduced priced meals; or

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

23 “(ii) NUMBER OF PROJECTS.—The
24 Secretary may—

1 “(I) carry out the demonstration
2 projects using data from the Amer-
3 ican Community Survey described in
4 subparagraph (A)(i) in not more than
5 5 local educational agencies; and

6 “(II) carry out the demonstration
7 projects using socioeconomic survey
8 data in not more than 3 local edu-
9 cational agencies.

10 “(iii) LIMITATION.—A demonstration
11 project carried out under this paragraph
12 shall have a duration of not more than 3
13 years.

14 “(iv) EVALUATION.—Not later than 4
15 years after implementing a demonstration
16 project under this paragraph, the Sec-
17 retary, using comparisons with local edu-
18 cational agencies with similar demographic
19 characteristics, shall evaluate each dem-
20 onstration project carried out under this
21 paragraph, which shall include an evalua-
22 tion of—

23 “(I) the accuracy of the 1 or
24 more methodologies adopted as com-
25 pared to the daily counting by cat-

1 egory of meals provided by school
2 meal programs under this Act or the
3 Child Nutrition Act of 1966 (42
4 U.S.C. 1771 et seq.) and the use of
5 annual applications as the basis for
6 eligibility to receive free or reduced
7 price meals under those Acts;

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

11 “(III) the effect of the 1 or more
12 methodologies adopted on administra-
13 tion of programs under those Acts;
14 and

15 “(IV) such other matters as the
16 Secretary determines to be appro-
17 priate.

18 “(v) REPORT.—Not later than 90
19 days after the completion of the evaluation
20 under clause (iv), the Secretary shall sub-
21 mit to the Committee on Education and
22 Labor of the House of Representatives and
23 the Committee on Agriculture, Nutrition,
24 and Forestry of the Senate, a report that
25 describes the results of such evaluation.

1 “(D) IMPLEMENTATION PRIORITY.—The
2 Secretary shall give priority consideration for
3 the implementation of a socioeconomic survey
4 method described in subparagraph (A)(ii) by a
5 local educational agency that uses data from a
6 socioeconomic survey as an alternative to daily
7 counting and claiming on or after the date of
8 enactment of this paragraph.

9 “(E) SOCIOECONOMIC SURVEY PARAM-
10 ETERS.—The Secretary shall establish require-
11 ments for, and approve, any alternative method
12 that is implemented, or tested through a dem-
13 onstration project under this paragraph, using
14 socioeconomic survey data which, at a min-
15 imum, shall—

16 “(i) be based on a socioeconomic sur-
17 vey, using generally accepted statistical
18 methods, that is designed, developed, and
19 implemented using funds from non-Federal
20 sources;

21 “(ii) be consistent with the Office of
22 Management and Budget Standards and
23 Guidelines for Statistical Surveys;

24 “(iii) ensure that the survey is drawn
25 from a complete, comprehensive, and accu-

1 rate list of households of students enrolled
2 in the schools to which the results will be
3 applied;

4 “(iv) include a scientifically rigorous
5 implementation plan to achieve an overall
6 response rate of at least 80 percent and an
7 item response rate of at least 70 percent
8 for any item in the survey used to deter-
9 mine free and reduced price eligibility of
10 students enrolled in the schools to which
11 the results will be applied;

12 “(v) provide a plan for an alternative
13 method of counting and claiming reimburs-
14 able meals if the socioeconomic survey fails
15 to meet the minimum requirements estab-
16 lished by the Secretary; and

17 “(vi) reflect any additional criteria as
18 established by the Secretary.”.

19 **SEC. 105. YEAR-ROUND SCHOOL BASED MEAL SERVICE.**

20 (a) AMENDMENT.—The Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1751 et seq.) is amended
22 by inserting after 17A the following:

23 **“SEC. 17B. YEAR-ROUND SCHOOL BASED MEAL SERVICE.**

24 “(a) IN GENERAL.—The Secretary shall carry out a
25 program to assist 5 States through grants-in-aid and other

1 means, awarded on a competitive basis, to provide meals
2 and supplements (in this section referred to as an ‘out-
3 of-school meal service’) to eligible children participating
4 in out-of-school programs sponsored by eligible elementary
5 and secondary schools.

6 “(b) PRIORITY CONSIDERATION.—In awarding as-
7 sistance to States under subsection (a), the Secretary shall
8 give priority consideration to States that—

9 “(1) demonstrate administrative and oper-
10 ational capacity to oversee, based on criteria estab-
11 lished by the Secretary, an out-of-school meal serv-
12 ice;

13 “(2) demonstrate support for out-of-school pro-
14 grams;

15 “(3) provide a plan for outreach and implemen-
16 tation to reach children eligible for free or reduced
17 price school meals under this Act or the Child Nutri-
18 tion Act of 1966 (42 U.S.C. 1771 et seq.), including
19 children of households at risk of food insecurity, as
20 determined by the Secretary; and

21 “(4) meet such other such considerations as de-
22 termined by the Secretary.

23 “(c) MEAL LIMITS.—The number of meals provided
24 to an eligible child under this section may not exceed 1
25 meal and 1 supplement per day.

1 “(d) REIMBURSEMENT.—

2 “(1) AT-RISK CHILDREN.—A meal or supple-
3 ment provided under this section to an eligible child
4 at a site that is located in an area in which poor eco-
5 nomic conditions exist shall be—

6 “(A) in the case of a meal, reimbursed at
7 the rate at which free meals are reimbursed
8 under section 4 and 11 of this Act or section
9 4(b) of the Child Nutrition Act of 1966 (42
10 U.S.C. 1773(b)), as adjusted pursuant to sec-
11 tion 11(a)(3) of this Act;

12 “(B) in the case of a supplement, reim-
13 bursed at the rate at which free supplements
14 are reimbursed under section 17(c)(3), as ad-
15 justed pursuant to section 11(a)(3); and

16 “(C) served without charge.

17 “(2) OTHER CHILDREN.—A meal or supple-
18 ment provided under this section to an eligible child
19 at a site that is not described in paragraph (1) shall
20 be—

21 “(A) in the case of a meal, reimbursed at
22 the rate at which free meals are reimbursed
23 under section 4 and 11 of this Act or section
24 4(b) of the Child Nutrition Act of 1966 (42

1 U.S.C. 1773(b)), as adjusted pursuant to sec-
2 tion 11(a)(3) of this Act; and

3 “(B) in the case of a supplement, reim-
4 bursed at the rate in which free supplements
5 are reimbursed under section 17(e)(3), as ad-
6 justed pursuant to section 11(a)(3).

7 “(e) REIMBURSEMENT LIMITATION.—An eligible ele-
8 mentary or secondary school may not claim reimburse-
9 ment for the same meals served under this section, section
10 17A, section 13(a)(11), or section 17(r) on the same day.

11 “(f) OPERATIONAL REQUIREMENTS.—The Secretary
12 shall establish requirements governing the operation of the
13 out-of-school meal service authorized under this section to
14 ensure that the meal service is operated in conformance
15 with applicable operational and oversight requirements.

16 “(g) REPORT.—Not later than 4 years after the date
17 of the enactment of this section, the Secretary shall sub-
18 mit to the Committee on Education and Labor of the
19 House of Representatives and the Committee on Agri-
20 culture, Nutrition, and Forestry of the Senate, a report
21 that describes—

22 “(1) the participation in the out-of-school meal
23 service authorized under this section;

24 “(2) the monitoring and oversight requirements
25 governing the operation of the meal service;

1 “(3) the financial and administrative impact to
2 eligible elementary and secondary schools partici-
3 pating in the meal service; and

4 “(4) any recommendations by the Secretary
5 concerning the operation and administration of the
6 meal service under this section.

7 “(h) DEFINITIONS.—For purposes of this section:

8 “(1) AREA IN WHICH POOR ECONOMIC CONDI-
9 TIONS EXIST.—The term ‘area in which poor eco-
10 nomic conditions exist’ has the meaning given the
11 term ‘areas in which poor economic conditions exist’,
12 except that the term shall be applied by substituting
13 ‘out-of-school-program authorized under section
14 17B’ for ‘program’.

15 “(2) ELIGIBLE CHILD.—The term ‘eligible
16 child’ means a school child who is not more than 18
17 years of age, except that such age limitation shall
18 not apply to a child described in section 12(d)(1)(A).

19 “(3) ELIGIBLE ELEMENTARY AND SECONDARY
20 SCHOOL.—The term ‘eligible elementary and sec-
21 ondary school’ means a school that—

22 “(A) operates school lunch programs under
23 this Act; and

1 “(B) sponsors out-of-school programs at
2 sites that provide an educational or enrichment
3 purpose during—

4 “(i) the extended-school day, week, or
5 school year; or

6 “(ii) non-school hours or periods when
7 school is not in session.

8 “(4) OUT-OF-SCHOOL PROGRAM.—The term
9 ‘out-of-school program’ means a program provided
10 for eligible children—

11 “(A) during non-school hours or periods
12 when school is not in session, such as before or
13 after school;

14 “(B) during any period that is an exten-
15 sion of the school day, school week, or school
16 year; and

17 “(C) on weekends, holidays, and during
18 school breaks and vacations.”.

19 (b) CONFORMING AMENDMENT.—

20 (1) MEAL SUPPLEMENTS FOR CHILDREN IN
21 AFTERSCHOOL CARE.—Section 17A(c) of the Rich-
22 ard B. Russell National School Lunch Act (42
23 U.S.C. 1766a(c)) is amended by adding at the end
24 the following:

1 “(3) LIMITATION.—An eligible elementary or
2 secondary school may not claim reimbursement for
3 the same meals served under this section, section
4 17B, section 13(a)(11), or section 17(r) on the same
5 day.”.

6 (2) PROGRAM FOR AT-RISK SCHOOL CHIL-
7 DREN.—Section 17(r)(4) of the Richard B. Russell
8 National School Lunch Act (42 U.S.C. 1766(r)(D))
9 is amended by adding at the end the following:

10 “(D) REIMBURSEMENT LIMITATION.—An
11 institution may not claim reimbursement for
12 the same meals served under this subsection,
13 section 17A, section 17B, or section 13(a)(11)
14 on the same day.”.

15 **SEC. 106. SCHOOL BREAKFAST EXPANSION GRANTS.**

16 Section 4 of the Child Nutrition Act of 1966 (42
17 U.S.C. 1773) is amended by adding at the end the fol-
18 lowing:

19 “(f) GRANTS FOR EXPANSION OF SCHOOL BREAK-
20 FAST PROGRAMS.—

21 “(1) ESTABLISHMENT.—

22 “(A) IN GENERAL.—The Secretary shall
23 establish a program to award grants, on a com-
24 petitive basis, to State educational agencies for
25 the purpose of providing subgrants to local edu-

1 cational agencies for qualifying schools or
2 groups of qualifying schools to establish or ex-
3 pand the school breakfast program at the quali-
4 fying schools.

5 “(B) ADMINISTRATION.—In carrying out
6 this subsection, the Secretary shall—

7 “(i) develop an appropriate competi-
8 tive application process; and

9 “(ii) make information available to
10 State educational agencies concerning the
11 availability of funds under this subsection.

12 “(C) BEST PRACTICES.—

13 “(i) IN GENERAL.—Prior to awarding
14 grants under this subsection, the Secretary
15 shall make available to State educational
16 agencies and local educational agencies in-
17 formation regarding the most effective
18 mechanisms by which to increase school
19 breakfast participation among eligible chil-
20 dren at qualifying schools.

21 “(ii) REQUIREMENT.—In awarding
22 subgrants under paragraph (3), a State
23 educational agency may award such sub-
24 grants only to local educational agencies
25 for qualifying schools or groups of quali-

1 fying schools that have adopted, or provide
2 assurances that the subgrant funds will be
3 used to adopt, the most effective mecha-
4 nisms identified by the Secretary under
5 clause (i).

6 “(D) LOW-INCOME SCHOOL OUTREACH
7 AND PRIORITY.—

8 “(i) OUTREACH TO LOW-INCOME
9 SCHOOLS.—Prior to awarding subgrants
10 under paragraph (3), a State educational
11 agency shall inform the local educational
12 agencies within the State with qualifying
13 schools that have the highest proportion of
14 students certified as eligible for free and
15 reduced price meals, as compared to other
16 qualifying schools in other local edu-
17 cational agencies within the State, of the
18 eligibility of such agencies for subgrants
19 provided under this subsection.

20 “(ii) PRIORITY.—In awarding sub-
21 grants under paragraph (3), a State edu-
22 cational agency shall give priority to local
23 educational agencies with qualifying
24 schools in which at least 75 percent of the
25 students are eligible for free or reduced-

1 price school lunches under the school lunch
2 program established under the Richard B.
3 Russell National School Lunch Act (42
4 U.S.C. 1751 et seq.).

5 “(2) GRANTS TO STATE EDUCATIONAL AGEN-
6 CIES.—To be eligible to receive a grant under this
7 subsection, a State educational agency shall submit
8 to the Secretary an application at such time, in such
9 manner, and containing such information as the Sec-
10 retary may require.

11 “(3) SUBGRANTS TO LOCAL EDUCATIONAL
12 AGENCIES.—

13 “(A) IN GENERAL.—A State educational
14 agency that receives a grant under this sub-
15 section—

16 “(i) shall use the grant funds to pro-
17 vide subgrants to local educational agen-
18 cies for qualifying schools or groups of
19 qualifying schools; and

20 “(ii) may reserve not more than 5
21 percent of the grant funds for administra-
22 tion and oversight of the subgrants award-
23 ed under this paragraph.

1 “(B) USES OF FUNDS.—A local edu-
2 cational agency may use subgrant funds re-
3 ceived under this subsection—

4 “(i) to provide training and technical
5 assistance to the staff of qualifying
6 schools;

7 “(ii) to provide promotional materials
8 to students enrolled in qualifying schools
9 and the families of such students to en-
10 courage participation in the school break-
11 fast program;

12 “(iii) to purchase equipment needed to
13 provide breakfast service outside the cafe-
14 teria at qualifying schools;

15 “(iv) for additional local educational
16 agency supervisory personnel to assist with
17 implementation or expansion of the school
18 breakfast program at qualifying schools; or

19 “(v) other effective mechanisms iden-
20 tified by the Secretary under paragraph
21 (1)(C)(i).

22 “(C) MAXIMUM AMOUNT.—The amount of
23 a subgrant provided under this subsection by a
24 State educational agency to a local educational
25 agency for qualifying schools or a group of

1 qualifying schools shall not exceed \$10,000 for
2 each school year.

3 “(D) MAXIMUM GRANT TERM.—A State
4 educational agency shall not provide subgrants
5 under this subsection to a local educational
6 agency for qualifying schools or groups of quali-
7 fying schools for more than 2 years.

8 “(4) DEFINITION OF QUALIFYING SCHOOL.—
9 For purposes of this section, the term ‘qualifying
10 school’ means a school in severe need, as described
11 in subsection (d)(1).

12 “(5) FUNDING.—

13 “(A) IN GENERAL.—On October 1, 2010,
14 out of any funds in the treasury not otherwise
15 appropriated, the Secretary of the Treasury
16 shall transfer to the Secretary to carry out this
17 subsection \$10,000,000 to remain available
18 until expended.

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

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

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

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

8 “(7) PRIVATE NONPROFIT ORGANIZATIONS.—

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

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

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

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

23 “(iv) has Federal tax exempt status
24 as described in section 501(c) of the Inter-

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

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

6 “(vi) meets any operational require-
7 ments established by the State agency with
8 respect to the maximum number of total
9 sites and maximum number of children
10 being served at any one site.

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

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

17 Section 13(a) of the Richard B. Russell National
18 School Lunch Act (42 U.S.C. 1761(a)) (as amended by
19 section 111) is further amended by adding at the end the
20 following:

21 “(11) OUTREACH TO ELIGIBLE FAMILIES.—

22 “(A) IN GENERAL.—The Secretary shall
23 provide funds to each State agency that admin-
24 isters the national school lunch program under
25 this Act to require each such State agency 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 served
8 under this section; and

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

14 “(B) FORM.—The materials described in
15 subparagraph (A) shall be in a form and, to the
16 maximum extent practicable, language easily
17 understandable by families receiving such mate-
18 rials.

19 “(C) INFORMATION DISTRIBUTION.—Infor-
20 mational activities carried out under subpara-
21 graph (A) may include—

22 “(i) the development or dissemination
23 of printed materials, to be distributed to
24 all school children or the families of school
25 children prior to the end of the school

1 year, that inform families of the avail-
2 ability and location of summer food service
3 program meals;

4 “(ii) the development or dissemination
5 of materials, to be distributed using elec-
6 tronic means to all school children or the
7 families of school children prior to the end
8 of the school year, that inform families of
9 the availability and location of summer
10 food service program meals; and

11 “(iii) such other activities as are ap-
12 proved by the applicable State agency to
13 promote the availability and location of
14 summer food service program meals to
15 school children and the families of school
16 children.

17 “(D) MULTIPLE STATE AGENCIES.—If the
18 State agency administering the program under
19 this section is not the same State agency that
20 administers the school lunch program under
21 this Act, the 2 State agencies shall work coop-
22 eratively to implement this paragraph.”.

1 **SEC. 113. SUMMER FOOD SERVICE PROGRAM YEAR-ROUND**

2 **OPTION.**

3 Section 13(a) of the Richard B. Russell National
4 School Lunch Act (42 U.S.C. 1761(a)) (as amended by
5 section 112) is further amended by adding at the end the
6 following—

7 “(11) SUMMER FOOD SERVICE PROGRAM YEAR-
8 ROUND OPTION.—

9 “(A) IN GENERAL.—From the amounts
10 appropriated under subparagraph (I), the Sec-
11 retary is authorized to carry out a program to
12 provide, on a competitive basis, not more than
13 10 States with reimbursements for meals and
14 supplements served, under the year-round op-
15 tion of the program under this section as au-
16 thorized under this paragraph, by service insti-
17 tutions that are described in paragraph (6) (ex-
18 cluding public schools) and private nonprofit or-
19 ganizations described in paragraph (7).

20 “(B) ASSISTANCE REQUIREMENT.—In pro-
21 viding assistance under this paragraph, the Sec-
22 retary shall award assistance under this section
23 to a State that has carried out year-round serv-
24 ices under section 18(h) (as in effect on the day
25 before the date of the enactment of the Improv-
26 ing Nutrition for America’s Children Act).

1 “(C) PRIORITY CONSIDERATION.—In pro-
2 viding assistance under this paragraph, the Sec-
3 retary shall give priority consideration to States
4 that—

5 “(i) demonstrate administrative and
6 operational capacity to oversee an effective
7 year-round program option under this
8 paragraph based on criteria established by
9 the Secretary;

10 “(ii) provide a plan for outreach and
11 implementation to reach children eligible
12 for free or reduced price meals under this
13 Act or the Child Nutrition Act of 1966 (42
14 U.S.C. 1771 et seq.), including children of
15 households at risk of food insecurity, as
16 determined by the Secretary;

17 “(iii) demonstrate support for after-
18 school and summer programming; and

19 “(iv) meet other such considerations
20 as determined by the Secretary.

21 “(D) PARTICIPATION CRITERIA.—A service
22 institution may participate in the year-round
23 program option under this paragraph if the in-
24 stitution provides meals or supplements under a
25 program that—

1 “(i) operates at a site during the reg-
2 ular school calendar—

3 “(I) during before- or after-
4 school hours;

5 “(II) on weekends; or

6 “(III) during school holidays and
7 vacations; and

8 “(ii) is located in an area in which
9 poor economic conditions exist.

10 “(E) ENRICHMENT PROGRAMMING.—The
11 Secretary shall encourage service institutions
12 participating in the program option under this
13 paragraph to provide enrichment or educational
14 programming with meal service.

15 “(F) TERMS AND CONDITIONS.—

16 “(i) ADMINISTRATIVE REQUIRE-
17 MENTS.—Except as otherwise provided in
18 this paragraph, service institutions shall be
19 eligible for the year-round program option
20 under this paragraph under the same
21 terms and conditions for participating in
22 the program under this section.

23 “(ii) MEAL LIMITS.—In addition to
24 being eligible for reimbursement for meals
25 described in subsection (b)(2) served dur-

1 ing each day of operation during the peri-
2 ods described in subsection (c)(1), service
3 institutions participating in the year-round
4 program option under this paragraph may
5 be reimbursed for up to 1 meal and 1 sup-
6 plement per child served during each day
7 of operation during the regular school cal-
8 endar.

9 “(iii) REIMBURSEMENT.—

10 “(I) IN GENERAL.—A service in-
11 stitution participating in the year-
12 round program option under this
13 paragraph shall be reimbursed con-
14 sistent with subsection (b)(1). All
15 meals and supplements served under
16 the program option under this para-
17 graph shall be served without charge.

18 “(II) LIMITATION.—A service in-
19 stitution may not claim reimburse-
20 ment for the same meals served under
21 this paragraph, section 17A, section
22 17B, or section 17(r) on the same
23 day.

24 “(III) ELIGIBLE CHILDREN.—
25 Reimbursement may be provided

1 under this paragraph only for the
2 same meals and supplements served to
3 children who are not more than 18
4 years of age, except that the age limi-
5 tation provided by this subclause shall
6 not apply to a child described in sec-
7 tion 12(d)(1)(A).

8 “(G) OPERATIONAL REQUIREMENTS.—The
9 Secretary shall establish applicable monitoring
10 and oversight requirements governing the year-
11 round program option under this paragraph to
12 ensure appropriate compliance and account-
13 ability requirements for meal service provided
14 under the program option under this para-
15 graph.

16 “(H) REPORT.—Not later than 4 years
17 after the date of the enactment of this para-
18 graph, the Secretary shall submit to the Com-
19 mittee on Education and Labor of the House of
20 Representatives and the Committee on Agri-
21 culture, Nutrition, and Forestry of the Senate
22 a report that describes—

23 “(i) the impact of this paragraph on
24 participation in the program option under

1 this section during the summer months
2 and during the regular school year;

3 “(ii) the monitoring and oversight re-
4 quirements governing the operation of the
5 program option under this paragraph;

6 “(iii) the financial and administrative
7 impact to service institutions participating
8 in the program option under this para-
9 graph; and

10 “(iv) any recommendations by the
11 Secretary concerning the operation and ad-
12 ministration of the program option under
13 this paragraph.

14 “(I) FUNDING.—There are authorized to
15 be appropriated, and there are appropriated,
16 out of any money in the Treasury not otherwise
17 appropriated, for the Secretary to carry out this
18 section, such sums as may be necessary for
19 each of fiscal years 2011 through 2015.”.

20 **SEC. 114. RURAL ACCESS TO SUMMER FOOD SERVICE PRO-**
21 **GRAM.**

22 Section 13(a)(9) of the Richard B. Russell National
23 School Lunch Act (42 U.S.C. 1761(a)(9)) is amended—

24 (1) in the header, by striking “EXEMPTION”
25 and inserting “APPLICABILITY TO RURAL AREAS”;

1 (2) in subparagraph (A), by striking “For each
2 of calendar years 2005 and 2006 in rural areas of
3 the State of Pennsylvania” and inserting “In rural
4 areas of a State”;

5 (3) in subparagraph (B)(iii), by striking
6 “2008” and inserting “2014”; and

7 (4) by striking clause (iv).

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

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

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

17 **SEC. 122. CHILD AND ADULT CARE FOOD PROGRAM REIM-**
18 **BURSEMENT.**

19 Section 17(f)(2)(B) of the Richard B. Russell Na-
20 tional School Lunch Act (42 U.S.C. 1766 (f)(2)(B)) is
21 amended to read as follows:

22 “(B) REIMBURSEMENT.—

23 “(i) IN GENERAL.—No reimbursement
24 may be made to any institution under this
25 paragraph, or to any family or group day

1 care home sponsoring organization under
2 paragraph (3) of this subsection—

3 “(I) for more than 2 meals and
4 1 supplement per day per child; and

5 “(II) for children who are main-
6 tained in child care for 8 hours or
7 more per day, for 1 additional meal or
8 supplement for each such child per
9 day.

10 “(ii) LIMITATIONS.—The reimburse-
11 ment under clause (i)(II) shall be provided,
12 on a competitive basis, to not more than 5
13 States for disbursement to the institutions
14 or sponsoring organizations described in
15 clause (i) that are located in such States.
16 In providing such reimbursement, the Sec-
17 retary shall give priority consideration to
18 States that—

19 “(I) demonstrate administrative
20 and operational capacity to oversee
21 the additional meal service under this
22 subparagraph based on criteria estab-
23 lished by the Secretary;

24 “(II) provide a plan for outreach
25 and implementation to reach children

1 who are maintained in child care for
2 8 or more hours per day; and

3 “(III) meet such other consider-
4 ations as determined by the Secretary.

5 “(iii) OPERATIONAL REQUIRE-
6 MENTS.—The Secretary shall establish re-
7 quirements to ensure that meal services
8 are operated in conformance with applica-
9 ble operational and oversight requirements
10 determined by the Secretary.

11 “(iv) REPORTING.—Not later than 4
12 years after the date of the enactment of
13 this subparagraph, the Secretary shall sub-
14 mit to the Committee on Education and
15 Labor of the House of Representatives and
16 the Committee on Agriculture, Nutrition,
17 and Forestry, a report that describes—

18 “(I) the impact of the additional
19 meal service option under this sub-
20 paragraph on participation in the pro-
21 gram under this section;

22 “(II) the monitoring and over-
23 sight requirements for administering
24 an additional meal service for children

1 in care for more than 8 hours per
2 day;

3 “(III) the financial and adminis-
4 trative impact to service institutions
5 participating in the program under
6 this section; and

7 “(IV) any additional information
8 or legislative recommendations, as de-
9 termined by the Secretary.”.

10 **Subtitle D—Special Supplemental**
11 **Nutrition Program for Women,**
12 **Infants, and Children**

13 **SEC. 131. CERTIFICATION PERIODS.**

14 Section 17(d)(3)(A) of the Child Nutrition Act of
15 1966 (42 U.S.C. 1786(d)(3)(A)) is amended by adding at
16 the end the following:

17 “(iii) CHILDREN.—A State may elect
18 to certify participant children for a period
19 of up to 1 year, if the State electing the
20 option provided under this clause ensures
21 that participant children receive required
22 health and nutrition assessments.”.

1 **Subtitle E—Miscellaneous**

2 **SEC. 141. CHILDHOOD HUNGER RESEARCH.**

3 The Richard B. Russell National School Lunch Act
4 (42 U.S.C. 1751 et seq.) is amended by inserting after
5 section 22 the following:

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

7 “(a) RESEARCH ON CAUSES AND CONSEQUENCES OF
8 CHILDHOOD HUNGER.—The Secretary shall conduct a re-
9 search program on—

10 “(1) the causes of childhood hunger and food
11 insecurity;

12 “(2) the characteristics of households with
13 childhood hunger and food insecurity; and

14 “(3) the consequences of childhood hunger and
15 food insecurity.

16 “(b) AUTHORITY.—In carrying out research under
17 subsection (a), the Secretary may—

18 “(1) enter into competitively awarded contracts
19 or cooperative agreements with eligible entities; or

20 “(2) provide grants to eligible entities.

21 “(c) ELIGIBLE ENTITY DEFINED.—For purposes of
22 this section, the term ‘eligible entity’ means a—

23 “(1) State;

24 “(2) institution of higher education; or

1 “(3) public or private agency or organization,
2 as determined by the Secretary.

3 “(d) APPLICATION.—To be eligible to enter into a
4 contract or cooperative agreement or receive a grant under
5 this section, an eligible entity shall submit to the Secretary
6 an application at such time, in such manner, and con-
7 taining such information as the Secretary shall require.

8 “(e) AREAS OF INQUIRY.—The Secretary shall design
9 the research program to advance knowledge and under-
10 standing on the issues described in subsection (a), which
11 may include—

12 “(1) economic, health, social, cultural, demo-
13 graphic, and other factors that contribute to child-
14 hood hunger or food insecurity;

15 “(2) the geographic distribution of childhood
16 hunger and food insecurity;

17 “(3) the extent to which—

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

22 “(B) childhood hunger and food insecurity
23 persist due to—

24 “(i) gaps in program coverage;

1 “(ii) the inability of potential partici-
2 pants to access programs; or

3 “(iii) the insufficiency of program
4 benefits or services;

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

7 “(5) an estimate of the degree to which the
8 measure of food insecurity based on the Current
9 Population Survey conducted by the Census Bureau
10 underestimates childhood hunger and food insecu-
11 rity; and

12 “(6) the effects of childhood hunger on child
13 development, well-being, educational attainment, and
14 such other critical outcomes as are determined by
15 the Secretary.

16 “(f) FUNDING.—

17 “(1) IN GENERAL.—On October 1, 2012, out of
18 any funds in the Treasury not otherwise appro-
19 priated, the Secretary of the Treasury shall transfer
20 to the Secretary to carry out this section
21 \$10,000,000, to remain available until expended.

22 “(2) RECEIPT AND ACCEPTANCE.—The Sec-
23 retary shall be entitled to receive, shall accept, and
24 shall use to carry out this section the funds trans-

1 ferred under paragraph (1), without further appro-
2 priation.”.

3 **SEC. 142. STATE CHILDHOOD HUNGER CHALLENGE**
4 **GRANTS.**

5 The Richard B. Russell National School Lunch Act
6 (42 U.S.C. 1751 et seq.) is further amended by inserting
7 after section 23 (as added by section 141) the following:

8 **“SEC. 24. STATE CHILDHOOD HUNGER CHALLENGE**
9 **GRANTS.**

10 “(a) IN GENERAL.—From the amounts appropriated
11 under subsection (k), the Secretary may competitively
12 award grants, or enter into competitively awarded cooper-
13 ative agreements with, the Governors of States to carry
14 out comprehensive and innovative demonstration projects
15 to end childhood hunger, including projects that establish
16 public-private partnerships and alternative models for
17 service delivery that promote the reduction or elimination
18 of childhood hunger by 2015.

19 “(b) GRANT SIZE.—In determining the size of a
20 grant to award to a Governor of a State under this section,
21 the Secretary shall consider—

22 “(1) the proportion of children in the State cer-
23 tified as eligible for free and reduced price meals
24 under this Act; and

1 “(2) the rates of food insecurity, hunger, or
2 poverty in the State, as determined by the Secretary.

3 “(c) APPLICATION.—To be eligible to receive a grant
4 or cooperative agreement under this section, a Governor
5 of a State shall submit to the Secretary an application
6 at such time, in such manner, and containing such infor-
7 mation as the Secretary may require.

8 “(d) PROJECTS.—A Governor of a State receiving
9 funds under this section shall use such funds to carry out
10 a demonstration project based on a comprehensive and in-
11 novative strategy to end childhood hunger, including a
12 project that—

13 “(1) enhances benefits or provides for innova-
14 tive program delivery models in the Federal child
15 nutrition programs, including school meal programs,
16 afterschool or out-of-school meal service programs,
17 summer feeding programs, weekend feeding pro-
18 grams, child and adult care food programs, and the
19 Special Supplemental Nutrition Program for
20 Women, Infants, and Children established under the
21 Child Nutrition Act of 1966 (42 U.S.C. 1771 et
22 seq.).

23 “(2) increase access and participation in Fed-
24 eral child nutrition programs; and

1 “(3) improve the coordination of Federal, State,
2 and community resources and services aimed at
3 eliminating childhood food insecurity and hunger, in-
4 cluding Federal child nutrition programs, other Fed-
5 eral, State, or local assistance programs and serv-
6 ices, and private or nonprofit assistance efforts.

7 “(e) SELECTION CRITERIA.—

8 “(1) IN GENERAL.—The Secretary, in consulta-
9 tion with the Secretaries listed in paragraph (2),
10 shall determine the range of projects to be funded
11 under this section and evaluate applications sub-
12 mitted under subsection (c) based on publicly dis-
13 seminated criteria that may include—

14 “(A) a description of the target population,
15 including children certified as eligible for free or
16 reduced price meals under this Act or section 4
17 of the Child Nutrition Act of 1966 (42 U.S.C.
18 1771 et seq.) that are at risk of experiencing
19 hunger or food insecurity;

20 “(B) a commitment to approaches that use
21 rigorous methodologies for implementation and
22 evaluation, as described in subsection (g);

23 “(C) a comprehensive and innovative strat-
24 egy to reduce the risk of childhood hunger or

1 provide a significant improvement to the food
2 security status of households with children;

3 “(D) as part of the comprehensive and in-
4 novative strategy, a consideration of approaches
5 to improve the nutritional status of children eli-
6 gible for free and reduced price meals under
7 this Act or section 4 of the Child Nutrition Act
8 of 1966 (42 U.S.C. 1771 et seq.);

9 “(E) a partnership among public and pri-
10 vate stakeholders that demonstrates a commit-
11 ment to collaborate toward ending childhood
12 hunger through a coordinated plan;

13 “(F) a preference for projects with a 25
14 percent non-Federal match that may be pro-
15 vided in cash or fairly evaluated in-kind con-
16 tributions, including facilities, equipment, serv-
17 ices, or staffing from a State government, a
18 local government, or a private source; and

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

21 “(2) CONSULTATION.—The Secretary shall con-
22 sult with—

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

25 “(B) the Secretary of Labor;

1 “(C) the Secretary of Education; and

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

4 “(f) REQUIREMENTS.—A Governor of a State receiv-
5 ing funding under this section to carry out a demonstra-
6 tion project shall provide for—

7 “(1) a collaboration among key stakeholders in
8 the State, such as representatives from business,
9 nonprofits, faith- and community-based organiza-
10 tions, institutions of higher education, the philan-
11 thropic sector, and public agencies that oversee Fed-
12 eral child nutrition programs, education, housing,
13 public health, and other social service programs;

14 “(2) a collaborative planning process that re-
15 sults in a comprehensive agenda to eliminate child-
16 hood hunger that is—

17 “(A) described in a detailed project plan;
18 and

19 “(B) provided to the Secretary for ap-
20 proval;

21 “(3) an annual budget;

22 “(4) specific performance goals, including the
23 goal to sharply reduce or eliminate food insecurity
24 among children in the State by 2015, as determined

1 through a methodology prescribed by the Secretary
2 and carried out by the Governor; and

3 “(5) an independent evaluation described in
4 subsection (g).

5 “(g) EVALUATION.—Each Governor of a State car-
6 rying out a project with funds under this section shall
7 carry out an independent evaluation that measures and
8 evaluates the impact of any activities carried out under
9 the project on the rate of childhood food insecurity in the
10 State that—

11 “(1) includes a preimplementation baseline and
12 annual measurements taken during the project of
13 the level of food insecurity in the State;

14 “(2) is carried out using a scientifically valid
15 methodology prescribed by the Secretary, including
16 random assignment or other methods that are capa-
17 ble of producing scientifically valid information, to
18 determine which activities are effective in reducing
19 the prevalence or preventing the incidence of food in-
20 security and hunger in the community, especially
21 among children; and

22 “(3) evaluates the impact of the project on ap-
23 propriate participation, food security, nutrition, and
24 associated behavioral outcomes among participating
25 children.

1 “(h) REPORTING.—Not later than December 31,
2 2011, and each December 31 thereafter until the date on
3 which the last evaluation under subsection (g) of a project
4 funded under this section is completed, the Secretary
5 shall—

6 “(1) submit to the Committee on Education
7 and Labor of the House of Representatives and the
8 Committee on Agriculture, Nutrition, and Forestry
9 of the Senate a report that includes a description
10 of—

11 “(A) the status of each demonstration
12 project carried out with funds under this sec-
13 tion; and

14 “(B) the results of any evaluations of the
15 demonstration projects completed during the
16 previous fiscal year; and

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

21 “(i) LIMITATIONS.—

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

1 “(2) NUMBER OF PROJECT.—No Governor of a
2 State may receive funds under this section to carry
3 out more than 1 project.

4 “(3) PERFORMANCE BASIS.—Funds provided
5 under this section shall be made available to a Gov-
6 ernor of a State for each year of the grant or con-
7 tract awarded to such Governor of a State. The
8 amount of funds provided for each year shall be con-
9 tingent on the satisfactory implementation of the
10 project plan submitted under subsection (f)(2) and
11 progress towards the performance goals defined in
12 the plan.

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

16 “(A) the Child Nutrition Act of 1966 (42
17 U.S.C. 1771 et seq.);

18 “(B) the Food and Nutrition Act of 2008
19 (7 U.S.C. 2011 et seq.); or

20 “(C) the Emergency Food Assistance Act
21 of 1983 (7 U.S.C. 7501 et seq.).

22 “(j) DEFINITIONS.—In this section:

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

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

3 “(ii) overtly identify any child by spe-
4 cial tokens or tickets, announced or pub-
5 lished list of names, or by other means, as
6 determined by the Secretary.

7 “(B) AVAILABILITY OF REIMBURSABLE
8 MEALS FOR ELIGIBLE CHILDREN.—

9 “(i) IN GENERAL.—Consistent with
10 the provisions of this paragraph, each local
11 educational agency shall notify parents and
12 guardians in writing of the policies with re-
13 spect to providing meals under this Act or
14 section 4 of the Child Nutrition Act of
15 1966 (42 U.S.C. 1773) to children—

16 “(I) who do not have sufficient
17 funds to purchase a paid or reduced
18 price meal; or

19 “(II) who are members of house-
20 holds that have an outstanding debt
21 owed to the local educational agency
22 for a reimbursable meal.

23 “(ii) FREE MEALS.—All children who
24 are certified as eligible for free meals shall
25 be offered the reimbursable meal that is

1 made available by the child’s school on any
2 day, regardless of any unpaid fees.

3 “(iii) REDUCED PRICE MEALS.—All
4 children who are certified as eligible for re-
5 duced price meals shall be offered the re-
6 imburseable meal that is made available by
7 the child’s school on any day, if a child
8 pays the reduced price meal charge for
9 that day, regardless of any unpaid fees.

10 “(iv) PAID MEALS.—All children who
11 are not eligible for free or reduced price
12 meals shall be offered the reimbursable
13 meal that is made available by the child’s
14 school on any day, if a child pays the paid
15 meal charge for that day, regardless of any
16 unpaid fees.

17 “(v) HOUSEHOLDS IN ARREARS.—For
18 a child from a household that has out-
19 standing debt owed to a local educational
20 agency for a reimbursable meal, the local
21 educational agency—

22 “(I) shall promptly notify the
23 parent or guardian of such household
24 of the amount of the debt and how to
25 rectify the debt, and conduct follow-up

1 communication with the parent or
2 guardian as necessary to carry out
3 such notification;

4 “(II) shall attempt to directly
5 certify, under paragraph (4) and (5),
6 the child;

7 “(III) if direct certification pur-
8 suant to subclause (II) is not prac-
9 ticable or successful and such house-
10 hold does not have an approved house-
11 hold application on file with the agen-
12 cy, shall provide a household applica-
13 tion and related materials to such
14 household; and

15 “(IV) may attempt to collect un-
16 paid reimbursable meal fees from such
17 household.

18 “(C) STUDY ON CURRENT PRACTICES.—

19 “(i) IN GENERAL.—The Secretary
20 shall assess policies and practices at the
21 State, local educational agency, and school
22 food authority level in effect as of the date
23 of enactment of the Improving Nutrition
24 for America’s Children Act, which may im-

1 pact the overt identification of eligible chil-
2 dren, including policies and procedures—

3 “(I) to attempt to directly certify
4 as eligible for free meals, children
5 from households that have an out-
6 standing debt owed to the local edu-
7 cational agency for a reimbursable
8 meal;

9 “(II) to collect payment from
10 children for a reimbursable meal, in-
11 cluding children from households that
12 have an outstanding debt owed to the
13 local educational agency for such
14 meal;

15 “(III) to extend credit to children
16 for the cost of purchasing a reimburs-
17 able meal if a child has insufficient
18 funds to pay for such meal;

19 “(IV) to provide children that
20 have insufficient funds with an alter-
21 native meal other than the reimburs-
22 able meal offered;

23 “(V) that may directly impact a
24 child with insufficient funds in a man-
25 ner unassociated with school meal

1 service, such as withholding edu-
2 cational opportunities; and

3 “(VI) that may directly or indi-
4 rectly result in the overt identification
5 of students eligible for reimbursable
6 meals, as determined by the Sec-
7 retary.

8 “(ii) REPORT.—Not later than Octo-
9 ber 1, 2012, the Secretary shall submit to
10 the Committee on Education and Labor of
11 the House of Representatives and the
12 Committee on Agriculture, Nutrition, and
13 Forestry of the Senate a report that de-
14 scribes—

15 “(I) findings of the assessment
16 under clause (i); and

17 “(II) recommendations for na-
18 tional standards for meal payment
19 and food service policies and practices
20 to ensure that children eligible for
21 free or reduced price lunch or break-
22 fast are certified expeditiously
23 throughout the school year and are
24 not overtly identified, with consider-

1 ations for feasibility, content, and im-
2 plementation.

3 “(D) GUIDANCE.—After submitting the re-
4 port under subparagraph (C), the Secretary
5 shall develop and provide guidance in the form
6 of best practices consistent with this paragraph
7 to States, school food authorities, and local edu-
8 cational agencies with regard to meal payment
9 and food service policies and practices to ensure
10 eligible children have access to free and reduced
11 price meals and are not overtly identified.

12 “(E) FURTHER ACTION.—The Secretary
13 may—

14 “(i) test through demonstration
15 projects the recommendations from the re-
16 port submitted under subparagraph (C)(ii);
17 or

18 “(ii) implement national standards
19 through regulations, which shall consider—

20 “(I) the results of any dem-
21 onstration projects under clause (i);

22 “(II) the impact of overt identi-
23 fication on children;

24 “(III) the manner in which eligi-
25 ble children will be provided with as-

1 sistance in becoming certified for free
2 or reduced school meals; and

3 “(IV) the potential financial and
4 administrative impact on school food
5 authorities and local educational agen-
6 cies.”.

7 **SEC. 144. STUDY RELATING TO THE CHILD AND ADULT**
8 **CARE FOOD PROGRAM.**

9 (a) **STUDY.**—The Secretary, acting through the Ad-
10 ministrator of the Food and Nutrition Service, shall carry
11 out a study of States participating in an afterschool at-
12 risk meal service program under the child and adult care
13 food program established under section 17(r) of the Rich-
14 ard B. Russell National School Lunch Act (42 U.S.C.
15 1766).

16 (b) **REPORT.**—Not later than 1 year after the date
17 of enactment of this Act, the Secretary shall submit to
18 Congress, and make available on the Web site of the Food
19 and Nutrition Service, a report that describes—

20 (1) the results of the study;

21 (2) best practices of States in soliciting spon-
22 sors for an afterschool at-risk meal service program
23 described in subsection (a); and

1 (3) any Federal or State laws or requirements
2 that may be a barrier to participation in the pro-
3 gram.

4 **SEC. 145. WEEKENDS AND HOLIDAYS WITHOUT HUNGER.**

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

8 “(j) WEEKENDS AND HOLIDAYS WITHOUT HUN-
9 GER.—

10 “(1) ESTABLISHMENT.—From the amounts ap-
11 propriated under paragraph (7), the Secretary shall
12 carry out a pilot program under which the Secretary
13 shall provide commodities to eligible institutions to
14 carry out projects to provide nutritious food to at-
15 risk school children on weekends and during ex-
16 tended school holidays during the school year.

17 “(2) ELIGIBILITY.—

18 “(A) IN GENERAL.—To be eligible to re-
19 ceive commodities under this subsection, an eli-
20 gible institution shall submit an application to
21 the Secretary at such time, in such manner,
22 and containing such information as the Sec-
23 retary may determine.

24 “(B) PLAN.—An application under sub-
25 paragraph (A) shall include the plan of the eli-

1 gible institution for the distribution of nutri-
2 tious foods to at-risk school children, includ-
3 ing—

4 “(i) methods of food service delivery
5 to at-risk school children;

6 “(ii) assurances that children receiv-
7 ing foods under the project will not be pub-
8 licly separated or overtly identified;

9 “(iii) lists of the types of food to be
10 provided under the project and provisions
11 to ensure food quality and safety;

12 “(iv) information on the number of
13 at-risk school children to be served and the
14 per-child cost of providing the children
15 with food; and

16 “(v) such other information as the
17 Secretary determines to be necessary to as-
18 sist the Secretary in evaluating projects
19 that receive commodities under this sub-
20 section.

21 “(3) PRIORITY.—In selecting applications under
22 this subsection, the Secretary shall give priority to
23 eligible institutions that—

1 “(A) have on-going programs and experi-
2 ence serving populations with significant pro-
3 portions of at-risk school children;

4 “(B) have a good record of experience in
5 food delivery and food safety systems;

6 “(C) maintain high quality control, ac-
7 countability, and recordkeeping standards;

8 “(D) provide children with readily
9 consumable food of high nutrient content and
10 quality;

11 “(E) demonstrate cost efficiencies and the
12 potential for obtaining supplemental funding
13 from non-Federal sources to carry out projects;
14 and

15 “(F) demonstrate the ability to continue
16 projects for the full approved term of the pilot
17 project period.

18 “(4) GUIDELINES.—

19 “(A) IN GENERAL.—The Secretary shall
20 issue guidelines containing the criteria for
21 projects to receive commodities under this sec-
22 tion.

23 “(B) INCLUSIONS.—The guidelines shall,
24 to the maximum extent practicable within the

1 funds available and applications submitted, take
2 into account—

3 “(i) geographical variations in project
4 locations to include qualifying projects in
5 rural, urban, and suburban areas with high
6 proportions of families with at-risk school
7 children;

8 “(ii) different types of projects that
9 offer nutritious foods on weekends and
10 during school holidays to at-risk school
11 children; and

12 “(iii) institutional capacity to collect,
13 maintain, and provide statistically valid in-
14 formation necessary for the Secretary—

15 “(I) to analyze and evaluate the
16 results of the pilot project; and

17 “(II) to make recommendations
18 to Congress.

19 “(5) EVALUATION.—

20 “(A) INTERIM EVALUATION.—Not later
21 than November 30, 2013, the Secretary shall
22 complete an interim evaluation of the pilot pro-
23 gram carried out under this subsection.

1 “(B) FINAL REPORT.—Not later than De-
2 cember 31, 2015, the Secretary shall submit to
3 Congress a final report that contains—

4 “(i) an evaluation of the pilot pro-
5 gram carried out under this subsection;
6 and

7 “(ii) any recommendations of the Sec-
8 retary for legislative action.

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

10 “(A) AT-RISK SCHOOL CHILD.—The term
11 ‘at-risk school child’ has the meaning given the
12 term in section 17(r)(1).

13 “(B) ELIGIBLE INSTITUTION.—

14 “(i) IN GENERAL.—The term ‘eligible
15 institution’ means a public or private non-
16 profit institution that is determined by the
17 Secretary to be able to meet safe food stor-
18 age, handling, and delivery standards es-
19 tablished by the Secretary.

20 “(ii) INCLUSIONS.—The term ‘eligible
21 institution’ includes—

22 “(I) an elementary or secondary
23 school or school food service authority;

24 “(II) a food bank or food pantry;

25 “(III) a homeless shelter; and

1 “(IV) such other type of emer-
2 gency feeding agency as is approved
3 by the Secretary.

4 “(7) FUNDING.—There are authorized to be ap-
5 propriated such sums as may be necessary to carry
6 out this subsection for each of fiscal years 2011
7 through 2015.”.

8 **TITLE II—IMPROVING**
9 **NUTRITION QUALITY**
10 **Subtitle A—School Nutrition**
11 **Programs**

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

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

17 “(3) ADDITIONAL REIMBURSEMENT.—

18 “(A) REGULATIONS.—

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

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

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

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

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

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

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

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

25 “(C) ADDITIONAL REIMBURSEMENT.—

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

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

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

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

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

4 “(F) ADMINISTRATIVE COSTS.—

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

11 “(ii) PROVISION OF FUNDS.—The
12 Secretary shall provide funds described in
13 clause (i) to States administering a school
14 lunch program in a manner proportional
15 with each State’s administrative expense
16 allocation under section 7(a)(2) of the
17 Child Nutrition Act of 1966 (42 U.S.C.
18 1776(a)(2)).

19 “(iii) FUNDING.—

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

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

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

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

13 (a) Section 9(a)(2)(A) of the Richard B. Russell Na-
14 tional School Lunch Act (42 U.S.C. 1758(a)(2)(A)) is
15 amended by amending clause (i) to read as follows:

16 “(i) subject to standards established
17 by the Secretary, shall offer students a va-
18 riety of fluid milk, which shall be con-
19 sistent with the most recent Dietary
20 Guidelines for Americans published under
21 section 301 of the National Nutrition Mon-
22 itoring and Related Research Act of 1990
23 (7 U.S.C. 5341);”.

1 (b) Section 9(a)(2)(B) of the Richard B. Russell Na-
2 tional School Lunch Act (42 U.S.C. 1758(a)(2)(B)) is
3 amended by amending clause (ii) to read as follows:

4 “(ii) NOTICE.—The substitutions may
5 be made if the school notifies the State
6 agency that the school is implementing a
7 variation allowed under this subparagraph,
8 and if the substitution is requested by a
9 medical authority or by a student’s parent
10 or legal guardian, except that the school
11 shall not be required to provide beverages
12 other than beverages the school has identi-
13 fied as acceptable substitutes.”.

14 **SEC. 203. WATER.**

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

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

1 **SEC. 204. NUTRITION STANDARDS FOR ALL FOODS SOLD IN**
2 **SCHOOL.**

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

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

8 **“SEC. 10. REGULATIONS.**

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

10 (2) by striking subsection (b) and inserting the
11 following:

12 “(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

13 “(1) REGULATIONS.—

14 “(A) IN GENERAL.—The Secretary shall
15 establish science-based nutrition standards for
16 foods sold in schools other than foods provided
17 under this Act and the Richard B. Russell Na-
18 tional School Lunch Act (42 U.S.C. 1751 et
19 seq.).

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

22 “(i) outside the school meal programs
23 under this Act and the Richard B. Russell
24 National School Lunch Act (42 U.S.C.
25 1751 et seq.);

26 “(ii) on the school campus; and

1 “(iii) at any time during the extended
2 school day, including the official school day
3 and the time before and after the official
4 school day when events or activities are
5 primarily under the control of the school or
6 a third party on behalf of the school, ex-
7 cept for school-sponsored events or activi-
8 ties before and after the official school day
9 where parents and adults are a significant
10 proportion of the participants or the audi-
11 ence.

12 “(C) REQUIREMENTS.—In establishing nu-
13 trition standards under this paragraph, the Sec-
14 retary shall—

15 “(i) establish standards that are con-
16 sistent with the goals of the most recent
17 Dietary Guidelines for Americans pub-
18 lished under section 301 of the National
19 Nutrition Monitoring and Related Re-
20 search Act of 1990 (7 U.S.C. 5341) (in
21 this subsection referred to as the ‘Dietary
22 Guidelines’), including the provisions re-
23 lated to food groups to encourage and nu-
24 trients of concern; and

25 “(ii) consider—

1 “(I) authoritative scientific rec-
2 ommendations for nutrition standards;

3 “(II) existing school nutrition
4 standards, including voluntary stand-
5 ards for beverages and snack foods,
6 and State and local standards;

7 “(III) the practical application of
8 the nutrition standards; and

9 “(IV) special exemptions for
10 school-sponsored fundraisers (other
11 than fundraising through vending ma-
12 chines, school stores, snack bars, a la
13 carte sales, and any other exclusions
14 determined by the Secretary), if the
15 fundraisers are approved by the school
16 and—

17 “(aa) are infrequent within
18 the school during the official
19 school day; or

20 “(bb) occur at any time out-
21 side of the official school day.

22 “(D) UPDATING STANDARDS.—As soon as
23 practicable after the date of publication by the
24 Department of Agriculture and the Department
25 of Health and Human Services of a new edition

1 of the Dietary Guidelines, the Secretary shall
2 review and update as necessary the school nu-
3 trition standards and requirements established
4 under this subsection.

5 “(2) IMPLEMENTATION.—

6 “(A) PROPOSED REGULATIONS.—Not later
7 than 18 months after the date of enactment of
8 this paragraph, the Secretary shall promulgate
9 proposed regulations to carry out paragraph
10 (1).

11 “(B) EFFECTIVE DATE.—Not later than
12 18 months after promulgating proposed regula-
13 tions, the Secretary shall promulgate interim
14 final regulations or final regulations to carry
15 out paragraph (1) that shall take effect at the
16 beginning of the school year that is not earlier
17 than 1 year and not later than 2 years fol-
18 lowing the date on which the interim final regu-
19 lations or final regulations, as applicable, are
20 published in the Federal Register.

21 “(C) REPORTING.—The Secretary shall
22 submit to the Committee on Agriculture, Nutri-
23 tion, and Forestry of the Senate and the Com-
24 mittee on Education and Labor of the House of
25 Representatives a quarterly report that de-

1 scribes progress made toward promulgating
2 final regulations under this subsection.”.

3 **SEC. 205. LOCAL SCHOOL WELLNESS POLICY IMPLEMENTA-**
4 **TION.**

5 (a) IN GENERAL.—The Richard B. Russell National
6 School Lunch Act is amended by inserting after section
7 9 (42 U.S.C. 1758) the following:

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

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

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

18 “(1) goals for nutrition promotion and edu-
19 cation, physical activity and education, and other
20 school-based activities that promote student
21 wellness;

22 “(2) nutrition guidelines for all foods available
23 on each school campus under the jurisdiction of the
24 local educational agency during the school day
25 that—

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

5 “(B) promote student health and wellness;

6 “(3) a requirement that the local educational
7 agency designate a standing local wellness policy
8 committee comprised of parents, students, represent-
9 atives of the school food authority, teachers of phys-
10 ical education, school health professionals, the school
11 board, school administrators, and the general public
12 to participate in the development, implementation,
13 and periodic review and update of the local school
14 wellness policy;

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

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

22 “(A) periodically measure and make avail-
23 able to the public an assessment on the imple-
24 mentation of the local school wellness policy, in-
25 cluding—

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

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

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

12 “(iv) any proposed changes to the
13 local wellness policy based on the periodic
14 assessment under this paragraph; and

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

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

24 “(d) TECHNICAL ASSISTANCE AND BEST PRAC-
25 TICES.—

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

10 “(2) CONTENT.—The Secretary shall provide
11 technical assistance that—

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

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

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

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

1 “(3) FUNDING.—

2 “(A) IN GENERAL.—On October 1, 2010,
3 and on each October 1 thereafter through Octo-
4 ber 1, 2014, out of any funds in the Treasury
5 not otherwise appropriated, the Secretary of the
6 Treasury shall transfer to the Secretary to
7 carry out this subsection \$500,000, to remain
8 available until expended.

9 “(B) RECEIPT AND ACCEPTANCE.—The
10 Secretary shall be entitled to receive, shall ac-
11 cept, and shall use to carry out this paragraph
12 the funds transferred under subparagraph (A),
13 without further appropriation.

14 “(e) REPORT.—

15 “(1) IN GENERAL.—Subject to the availability
16 of appropriations, the Secretary, in conjunction with
17 the Secretary of Education and the Secretary of
18 Health and Human Services (acting through Direc-
19 tor of the Centers for Disease Control and Preven-
20 tion), shall prepare a report on the implementation,
21 strength, and effectiveness of the local school
22 wellness policies carried out in accordance with this
23 section.

1 “(2) REPORT ON LOCAL SCHOOL WELLNESS
2 POLICIES.—The study described in paragraph (1)
3 shall include—

4 “(A) an analysis of the strength and weak-
5 nesses of local school wellness policies and how
6 the policies compare with model local wellness
7 policies recommended under subsection
8 (d)(2)(B); and

9 “(B) an assessment of the impact of the
10 local school wellness policies in addressing the
11 requirements of subsection (b).

12 “(3) REPORT.—Not later than January 1,
13 2014, the Secretary shall submit to the Committee
14 on Agriculture, Nutrition, and Forestry of the Sen-
15 ate and the Committee on Education and Labor of
16 the House of Representatives, a report that de-
17 scribes the findings of the study.

18 “(4) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to carry out
20 this subsection \$3,000,000 for fiscal year 2011, to
21 remain available until expended.”.

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

1 **SEC. 206. INFORMATION ON THE SCHOOL WELLNESS ENVI-**
2 **RONMENT.**

3 Section 9 of the Richard B. Russell School Lunch Act
4 (42 U.S.C. 1758) is amended by adding at the end the
5 following:

6 “(k) INFORMATION ON THE SCHOOL WELLNESS EN-
7 VIRONMENT.—

8 “(1) IN GENERAL.—The Secretary, in consulta-
9 tion with the Secretary of Education and the Sec-
10 retary of Health and Human Services, shall estab-
11 lish requirements for local educational agencies and
12 States participating in the lunch program under this
13 Act to report, on a periodic basis, to the Secretary
14 and the general public, information about the school
15 wellness environment with respect to all schools
16 under the jurisdiction of such agencies and States.

17 “(2) REQUIREMENTS.—In establishing report-
18 ing requirements under paragraph (1), the Secretary
19 shall require each local educational agency described
20 in such paragraph to report on—

21 “(A) information pertaining to the school
22 nutrition programs, including food safety in-
23 spections, local wellness policies, meal program
24 participation, the nutritional quality of program
25 meals, nutrition education, and other informa-
26 tion as determined by the Secretary; and

1 “(B) information pertaining to physical ac-
2 tivity and education, including—

3 “(i) whether all elementary school and
4 secondary school students enrolled in the
5 schools under the jurisdiction of such agen-
6 cy meet age-appropriate physical education
7 recommendations, consistent with—

8 “(I) national guidelines estab-
9 lished by the Centers for Disease Con-
10 trol and Prevention of the Depart-
11 ment of Health and Human Services;
12 or

13 “(II) the requirements of the
14 State in which the schools are located;

15 “(ii) a description of the amount of
16 time that such students are required to
17 spend in physical education, disaggregated
18 by grade level, including information on
19 criteria—

20 “(I) for granting students a
21 waiver or exemption; or

22 “(II) allowing a substitution for
23 the requirement; and

1 “(iii) any such other information re-
2 lated to physical activity and education as
3 determined by the Secretary.

4 “(3) REPORTING.—

5 “(A) LOCAL EDUCATIONAL AGENCY.—
6 Each local educational agency described in
7 paragraph (1) shall report to the applicable
8 State and general public, the information de-
9 scribed in paragraphs (1) and (2), in accord-
10 ance with the requirements established by the
11 Secretary under paragraph (4).

12 “(B) STATE.—Each State receiving infor-
13 mation under subparagraph (A) shall report
14 such information to the Secretary, in accord-
15 ance with the requirements described in para-
16 graph (4).

17 “(C) PUBLIC ACCESS.—The Secretary
18 shall make publicly available the information re-
19 ceived from each State under subparagraph
20 (B).

21 “(4) REQUIREMENTS.—The Secretary shall es-
22 tablish requirements for reporting under subpara-
23 graphs (A) and (B) of paragraph (3) that—

24 “(A) ensure that the information described
25 in paragraph (2) is reported in such way that

1 prevents unnecessary or duplicative reporting
2 by a local educational agency or State; and

3 “(B) require any information reported to
4 the general public under paragraph (3)(A) to be
5 reported in an accessible, plain-language man-
6 ner.

7 “(5) TECHNICAL ASSISTANCE.—The Secretary
8 shall provide technical assistance to States and local
9 educational agencies on meeting the requirements of
10 this subsection.”.

11 **SEC. 207. STATE NUTRITION AND WELLNESS PROMOTION.**

12 Section 5 of the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1754) is amended to read as fol-
14 lows:

15 **“SEC. 5. NUTRITION AND WELLNESS PROMOTION.**

16 “(a) IN GENERAL.—On October 1, 2010, and each
17 October 1 thereafter, the Secretary shall make payments
18 for each fiscal year to each State agency administering
19 the lunch program under this Act, in accordance with sub-
20 section (b)(1), to promote nutrition and wellness in food
21 service programs under this Act and the school breakfast
22 program established under section 4 of the Child Nutrition
23 Act of 1966 (42 U.S.C. 1773).

24 “(b) STATE NUTRITION PROMOTION FUNDING.—

1 “(1) IN GENERAL.—The Secretary shall provide
2 each State agency described in subsection (a) a pay-
3 ment for each fiscal year in an amount equal to $\frac{1}{2}$
4 cent per lunch reimbursed through the lunch pro-
5 gram under this Act during the second preceding fis-
6 cal year in the State, to carry out the nutrition and
7 wellness promotion activities described in paragraph
8 (2).

9 “(2) USES OF FUNDS.—In accordance with
10 guidance provided by the Secretary, a State agency
11 shall use funds received under paragraph (1) to
12 carry out activities that—

13 “(A) support nutrition education and nu-
14 trition promotion, including through materials
15 provided by the Secretary;

16 “(B) provide technical assistance and guid-
17 ance to—

18 “(i) support compliance with the nu-
19 tritional requirements for—

20 “(I) the school lunch program
21 under this Act;

22 “(II) the school breakfast pro-
23 gram under section 4 of the Child Nu-
24 trition Act of 1966 (42 U.S.C. 1773);
25 and

1 “(III) foods sold outside of the
2 school lunch program and school
3 breakfast program in accordance with
4 section 10 of the Child Nutrition Act
5 of 1966 (42 U.S.C. 1779);

6 “(ii) encourage healthy eating by chil-
7 dren consistent with the most recent Die-
8 tary Guidelines for Americans published
9 under section 301 of the National Nutri-
10 tion Monitoring and Related Research Act
11 of 1990 (7 U.S.C. 5341);

12 “(iii) promote student participation in
13 the school lunch program and the school
14 breakfast program;

15 “(iv) promote age-appropriate oppor-
16 tunities for children to be physically active;
17 and

18 “(v) support the development, imple-
19 mentation, and assessment of local
20 wellness policies established under section
21 9(a); and

22 “(C) provide subgrants to local educational
23 agencies to support activities described under
24 this paragraph based on guidance provided by
25 the Secretary;

1 “(D) facilitate coordination and informa-
2 tion sharing across Federal child nutrition pro-
3 grams in the State;

4 “(E) coordinate with any team nutrition
5 network activities conducted under section 19 of
6 the Child Nutrition Act of 1966 (42 U.S.C.
7 1788); and

8 “(F) such other purposes as determined by
9 the Secretary.

10 “(3) DOCUMENTATION.—A State agency receiv-
11 ing funds under this section shall maintain docu-
12 mentation of the nutrition and wellness promotion
13 activities carried out under this section.

14 “(c) REALLOCATION.—The Secretary may reallocate
15 to carry out this section, any amount made available to
16 carry out this section that are not obligated or expended,
17 as determined by the Secretary.

18 “(d) REPORT.—Not later than October 1, 2014, the
19 Secretary shall submit to the Committee on Education and
20 Labor of the House of Representative and the Committee
21 on Agriculture, Nutrition, and Forestry of the Senate a
22 report describing and assessing the school nutrition and
23 wellness promotion activities and initiatives carried out
24 under this section.

1 “(e) FUNDING.—There are authorized to be appro-
2 priated, and there are appropriated, out of any money in
3 the Treasury not otherwise appropriated, for the Secretary
4 to carry out this section, such sums as may be necessary
5 for fiscal year 2011 and each succeeding fiscal year.”.

6 **SEC. 208. ACCESS TO LOCAL FOODS: FARM TO SCHOOL.**

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

9 (1) by redesignating subsections (h) through (j)
10 as subsections (j) through (l), respectively;

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

16 “(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL
17 PROGRAM.—

18 “(1) DEFINITION OF ELIGIBLE ENTITY.—In
19 this subsection, the term ‘eligible entity’ means—

20 “(A) school or institution that participates
21 in a program under this Act or the school
22 breakfast program established under section 4
23 of the Child Nutrition Act of 1966 (42 U.S.C.
24 1773);

1 “(B) a nonprofit entity that is exempt
2 from tax under section 501(c)(3) of the Inter-
3 nal Revenue Code of 1986;

4 “(C) an Indian tribal organization; and

5 “(D) an agricultural producers or a group
6 of agricultural producers.

7 “(2) FARM TO SCHOOL GRANTS.—

8 “(A) IN GENERAL.—The Secretary shall
9 provide assistance to eligible entities through
10 competitive grants and technical assistance to
11 implement programs that improve access to
12 local foods in eligible schools.

13 “(B) FARM TO SCHOOL ACTIVITIES.—A
14 grant awarded under this subsection may be
15 used for farm to school activities, including—

16 “(i) the planning, design, and estab-
17 lishment of farm to school programs by
18 linking school and institutional food service
19 providers, distributors, and agricultural
20 producers or groups of agricultural pro-
21 ducers for sustainable farm to school pro-
22 grams;

23 “(ii) the planning, implementation,
24 and maintenance of school gardens;

1 “(iii) the acquisition of appropriate
2 equipment as determined by the Secretary;

3 “(iv) the provision of training and
4 education necessary for the planning, im-
5 plementation, and maintenance of farm to
6 school activities; and

7 “(v) other activities as determined by
8 the Secretary.

9 “(3) ADMINISTRATION.—

10 “(A) IN GENERAL.—The Secretary shall
11 award grants, on a competitive basis, to eligible
12 entities for farm to school activities described
13 under paragraph (2).

14 “(B) GRANT AMOUNT.—A grant awarded
15 under this subsection may not exceed \$100,000.

16 “(C) FEDERAL SHARE.—

17 “(i) IN GENERAL.—The Federal share
18 of costs for farm to school activities funded
19 through a grant awarded under this sub-
20 section shall not exceed 75 percent of the
21 total cost of the activities.

22 “(ii) FEDERAL MATCHING.—As a con-
23 dition of receiving a grant under this sub-
24 section, a grant recipient shall provide sup-
25 port that is not less than 25 percent of the

1 total cost of a farm to school activities
2 funded by the grant in the form of cash or
3 in-kind contributions, including facilities,
4 equipment, or services provided by State
5 and local governments, nonprofit organiza-
6 tions, and private sources.

7 “(D) GRANT DURATION.—A grant under
8 this subsection shall be awarded for a period
9 not to exceed 2 years.

10 “(E) REGIONAL BALANCE.—In making
11 awards under this subsection, the Secretary
12 shall, to the maximum extent practicable, en-
13 sure—

14 “(i) geographical diversity; and

15 “(ii) proportional distribution among
16 urban, rural, and tribal communities.

17 “(F) PEER REVIEW OF APPLICATIONS.—
18 The Secretary shall form review panels con-
19 sisting of representatives from related public
20 and private agencies or organizations, as deter-
21 mined by the Secretary, to evaluate applications
22 based on criteria for selection described under
23 paragraph (4).

24 “(4) CRITERIA FOR SELECTION.—To the max-
25 imum extent practicable, in providing assistance

1 under this subsection, the Secretary shall give the
2 highest priority to funding farm to school activities
3 that, as determined by the Secretary—

4 “(A) make local food products from small
5 and medium-sized farms available on the school
6 menu for the lunch program under this Act or
7 the breakfast program under section 4 of the
8 Child Nutrition Act of 1966 (42 U.S.C. 1773);

9 “(B) serve a high proportion of children
10 who are certified as eligible for free or reduced
11 price lunches;

12 “(C) incorporate experiential nutrition edu-
13 cation activities in curriculum planning that en-
14 courage the participation of school children in
15 farm and garden-based agricultural education
16 activities;

17 “(D) demonstrate collaboration among eli-
18 gible entities;

19 “(E) include adequate and participatory
20 evaluation plans;

21 “(F) demonstrate the potential for long-
22 term program sustainability;

23 “(G) promote the nutritional health of chil-
24 dren by making available foods consistent with
25 the goals of the most recent Dietary Guidelines

1 for Americans published under section 301 of
2 the National Nutrition Monitoring and Related
3 Research Act of 1990 (7 U.S.C. 5341); and

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

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

10 “(6) TECHNICAL ASSISTANCE.—The Secretary
11 shall provide technical assistance and information to
12 assist eligible schools, State and local agencies, In-
13 dian tribal organizations, and nonprofit entities—

14 “(A) to facilitate the coordination and
15 sharing of information and resources in the De-
16 partment that may be applicable to the farm to
17 school program;

18 “(B) to collect and share information on
19 best practices; and

20 “(C) to disseminate research and data on
21 existing farm to school programs and the poten-
22 tial for programs in underserved areas.

23 “(7) REPORTING.—No later than 4 years after
24 enactment of this section, the Secretary shall submit
25 to the Committee on Education and Labor of the

1 House of Representatives and the Committee on Ag-
2 riculture, Nutrition, and Forestry of the Senate a
3 report describing the farm to school projects funded
4 under this section and the results of the evaluation
5 conducted under paragraph (6).

6 “(8) FUNDING.—

7 “(A) IN GENERAL.—On October 1, 2010,
8 through October 1, 2014, out of any funds in
9 the Treasury not otherwise appropriated, the
10 Secretary of the Treasury shall transfer to the
11 Secretary to carry out this subsection
12 \$10,000,000, to remain available until ex-
13 pended.

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

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

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

1 “(1) IN GENERAL.—”;

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

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

8 (B) by redesignating paragraph (4) as
9 paragraph (2); and

10 (4) by inserting after subsection (h), the fol-
11 lowing:

12 “(i) INFORMATION EXCHANGE.—

13 “(1) IN GENERAL.—Not later than 2 years
14 after the date of the enactment of this paragraph,
15 the Secretary shall provide the information described
16 in paragraph (2) to assist schools, institutions, and
17 other farm-to-school stakeholders in increasing stu-
18 dents’ access to local foods through farm-to-school
19 activities, which shall be—

20 “(A) publicly accessible through the Inter-
21 net; and

22 “(B) updated as appropriate to ensure the
23 information is current.

1 “(2) CONTENT.—The information provided by
2 the Secretary under paragraph (1) shall, at a min-
3 imum, include—

4 “(A) an inventory of all the farm-to-school
5 projects funded under subsection (g);

6 “(B) an inventory of existing farm-to-
7 school activities, including the activities de-
8 scribed in subsection (g), in the United States;
9 and

10 “(C) best practices of farm-to-school activi-
11 ties in schools and institutions participating in
12 programs under this Act, as determined by the
13 Secretary.

14 “(3) FUNDING.—

15 “(A) IN GENERAL.—Out of funds in the
16 Treasury not otherwise appropriated, the Sec-
17 retary of the Treasury shall transfer to the Sec-
18 retary to carry out this subsection—

19 “(i) on October 1, 2010, \$200,000;

20 and

21 “(ii) on October 1, 2011, October 1,
22 2012, and October 1, 2013, \$100,000.

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

1 the funds transferred under subparagraph (A),
2 without further appropriation.”.

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

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

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

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

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

15 “(1) IN GENERAL.—

16 “(A) PROGRAM PURPOSE.—The purpose of
17 the program authorized by this section is to
18 provide aid to child and adult care institutions
19 for the provision of nutritious foods that con-
20 tribute to the wellness, healthy growth, and de-
21 velopment of young children, and the health
22 and wellness of older adults and chronically im-
23 paired disabled persons.

24 “(B) GRANT AUTHORITY.—The Secretary
25 shall carry out a program to assist States

1 through grants-in-aid and other means to ini-
2 tiate and maintain nonprofit food service pro-
3 grams for children in institutions providing
4 child care.”;

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

7 “(g) NUTRITIONAL REQUIREMENTS FOR MEALS AND
8 SUPPLEMENTS SERVED IN INSTITUTIONS AND FAMILY OR
9 GROUP DAY CARE HOMES.—

10 “(1) DEFINITION OF DIETARY GUIDELINES.—

11 In this subsection, the term Dietary Guidelines
12 means the Dietary Guidelines for Americans pub-
13 lished under section 301 of the National Nutrition
14 Monitoring and Related Research Act of 1990 (7
15 U.S.C. 5341).

16 “(2) NUTRITIONAL REQUIREMENTS.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (C), reimbursable meals and sup-
19 plements served by institutions, family or group
20 day care homes, and sponsored centers partici-
21 pating in the program under this section shall
22 consist of a combination of foods that meet nu-
23 tritional requirements prescribed by the Sec-
24 retary on the basis of tested nutritional re-
25 search.

1 “(B) CONFORMITY WITH THE DIETARY
2 GUIDELINES AND AUTHORITATIVE SCIENCE.—

3 “(i) IN GENERAL.—Not less fre-
4 quently than once every 10 years, the Sec-
5 retary shall review and, as appropriate, up-
6 date nutritional requirements for meals
7 and supplements served under the program
8 under this section to ensure that the meals
9 and supplements—

10 “(I) are consistent with the goals
11 of the most recent Dietary Guidelines;
12 and

13 “(II) promote the health of the
14 population served by the program au-
15 thorized under this section, as indi-
16 cated by appropriate authoritative sci-
17 entific agency and organization rec-
18 ommendations.

19 “(ii) COST REVIEW.—The review re-
20 quired under clause (i) shall include a re-
21 view of the cost to institutions, family or
22 group day care homes, and sponsored cen-
23 ters, resulting from updated requirements
24 for meals and supplements served under
25 the program under this section.

1 “(iii) REGULATIONS.—

2 “(I) PROPOSED RULE.—Not later
3 than 18 months after the completion
4 of the review of the nutritional re-
5 quirements under clause (i), the Sec-
6 retary shall promulgate proposed reg-
7 ulations to update the nutritional re-
8 quirements for meals and supplements
9 served under the program under this
10 section.

11 “(II) CONSIDERATION.—The
12 Secretary shall demonstrate consider-
13 ation for the financial and administra-
14 tive impact to institutions, family or
15 group day care homes, and sponsored
16 centers resulting from any proposed
17 changes to the nutritional require-
18 ments for meals and supplements in
19 the regulations described under sub-
20 clause (I).

21 “(C) EXCEPTIONS.—

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

1 care homes, and sponsored centers from
2 substituting foods to accommodate the
3 medical or other special dietary needs of
4 individual participants.

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

10 “(3) MEAL SERVICE.—Institutions, family or
11 group day care homes, and sponsored centers shall
12 ensure that reimbursable meal service is not used as
13 a punishment or reward.

14 “(4) FLUID MILK.—

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

24 “(B) MILK SUBSTITUTES.—In the case of
25 children who cannot consume fluid milk due to

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

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

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

14 “(C) APPROVAL.—

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

18 “(I) at the discretion of and on
19 approval by the participating institu-
20 tion, family or group day care home,
21 or sponsored center; and

22 “(II) if the substitution is re-
23 quested by a medical authority, or by
24 the parent or legal guardian of the
25 child.

1 “(ii) EXCEPTION.—An institution,
2 family or group day care home, or spon-
3 sored center that elects to make a substi-
4 tution authorized under this paragraph
5 shall not provide beverages other than bev-
6 erages the State has identified as accept-
7 able substitutes.

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

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

16 “(ii) are in excess of expenses covered
17 under reimbursements under this Act.

18 “(5) NONDISCRIMINATION POLICY.—No phys-
19 ical segregation or other discrimination against any
20 person shall be made because of the inability of the
21 person to pay, nor shall there be any overt identi-
22 fication of any such person by special tokens or tick-
23 ets, different meals or meal service, announced or
24 published lists of names, or other means.

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

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

8 “(B) donated by the Secretary;

9 “(7) WATER.—Participating institutions, family
10 or group day care homes, and sponsored centers
11 shall make available to persons, free of charge and
12 as nutritionally appropriate, potable water through-
13 out the day, including at meal times.”; and

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

15 “(u) PROMOTING HEALTH AND WELLNESS IN CHILD
16 CARE.—

17 “(1) IN GENERAL.—The Secretary shall assist
18 participating institutions, family or group day care
19 homes, and sponsored centers through technical as-
20 sistance, guidance, and competitive grants for the
21 purpose of promoting the health and nutrition of
22 children in child care settings.

23 “(2) TECHNICAL ASSISTANCE, GUIDANCE, AND
24 RECOGNITION.—

1 “(A) NUTRITION.—The Secretary shall
2 provide technical assistance and guidance to in-
3 stitutions, family or group day care homes, and
4 sponsored centers, participating in the program
5 under this section to support compliance with
6 the nutrition requirements described in sub-
7 section (g), which shall include technical assist-
8 ance and guidance with respect to—

9 “(i) menu planning;

10 “(ii) interpretation of nutrition infor-
11 mation; and

12 “(iii) food preparation and purchasing
13 guidance to produce meals and supple-
14 ments that—

15 “(I) are consistent with the goals
16 of the most recent Dietary Guidelines
17 for Americans published under section
18 301 of the National Nutrition Moni-
19 toring and Related Research Act of
20 1990 (7 U.S.C. 5341) (in this sub-
21 section referred to as the ‘Dietary
22 Guidelines’); and

23 “(II) promote the health of the
24 population served by the program
25 under this section, as recommended

1 by authoritative scientific organiza-
2 tions; and

3 “(iv) other activities related to compli-
4 ance with the nutrition requirements under
5 subsection (g), as determined by the Sec-
6 retary.

7 “(B) WELLNESS PROMOTION.—Not later
8 than January 1, 2012, in consultation with the
9 Secretary of Health and Human Services, the
10 Secretary shall provide technical assistance and
11 guidance to assist State agencies and institu-
12 tions, family and group day care homes, and
13 sponsored centers, participating in the program
14 under this section to—

15 “(i) promote access to foods that are
16 recommended for consumption by the most
17 recent Dietary Guidelines;

18 “(ii) encourage opportunities for age-
19 appropriate physical activity and physical
20 development in quantities and at levels rec-
21 ommended by the most recent Dietary
22 Guidelines and the Secretary of Health
23 and Human Services with—

24 “(I) information on the impor-
25 tance of regular age-appropriate phys-

1 ical activity for health and well-being
2 based on authoritative scientific rec-
3 ommendations; and

4 “(II) best practices for the imple-
5 mentation of such recommendations
6 for physical activity in child care set-
7 tings;

8 “(iii) encourage adherence to age-ap-
9 propriate electronic media use by children
10 based on authoritative scientific rec-
11 ommendation with—

12 “(I) information on the impor-
13 tance of age-appropriate use, includ-
14 ing limitations, of electronic media;
15 and

16 “(II) best practices for imple-
17 mentation of such recommendations in
18 child care settings;

19 “(iv) encourage the engagement of
20 parents in nutrition and wellness initiatives
21 for children; and

22 “(v) promote other nutrition and
23 wellness initiatives, as determined by the
24 Secretary.

1 “(C) RECOGNITION.—The Secretary, in
2 consultation with the Secretary of Health and
3 Human Services, shall establish a program to
4 recognize State agencies, institutions, family or
5 group day care homes, and sponsored centers
6 participating in the program under this section
7 that demonstrate a comprehensive and innova-
8 tive approach to promoting nutrition and
9 wellness in child care settings by—

10 “(i) providing healthful and develop-
11 mentally appropriate meals and supple-
12 ments consistent with the nutrition re-
13 quirements of the program under this sec-
14 tion;

15 “(ii) providing regular opportunities
16 for developmentally appropriate physical
17 activity;

18 “(iii) adhering to developmentally ap-
19 propriate guidelines for use of electronic
20 media;

21 “(iv) engaging parents in nutrition
22 and wellness initiatives for children; and

23 “(v) other nutrition and wellness ini-
24 tiatives, as determined by the Secretary.

25 “(D) FUNDING.—

1 “(i) IN GENERAL.—On October 1,
2 2010, out of any funds in the Treasury not
3 otherwise appropriated, the Secretary of
4 the Treasury shall transfer to the Sec-
5 retary to carry out this paragraph
6 \$10,000,000, to remain available until ex-
7 pended.

8 “(ii) RECEIPT AND ACCEPTANCE.—
9 The Secretary shall be entitled to receive,
10 shall accept, and shall use to carry out this
11 subsection the funds transferred under
12 clause (i), without further appropriation.

13 “(3) COMPETITIVE GRANTS.—

14 “(A) GRANTS TO STATE AGENCIES.—From
15 the funds made available under subparagraph
16 (G), the Secretary shall award grants, on a
17 competitive basis, to State agencies partici-
18 pating in the program under this section for the
19 purpose of promoting health and nutrition in
20 child care settings.

21 “(B) PRIORITY.—In awarding grants
22 under this paragraph, the Secretary shall give
23 priority to State agencies administering projects
24 under the program that carry out each of the

1 authorized uses of funds described in subpara-
2 graph (C)(ii).

3 “(C) USES OF FUNDS.—

4 “(i) REQUIRED USES.—A State agen-
5 cy receiving a grant under this paragraph
6 shall use not less than 50 percent of such
7 grant funds to award subgrants to institu-
8 tions, including sponsoring organizations,
9 for the purpose of carrying out the activi-
10 ties described in clause (ii).

11 “(ii) AUTHORIZED USES.—In addition
12 to such other activities as the Secretary de-
13 termines to be appropriate, State agencies
14 and institutions may use funds received
15 under this paragraph for activities that—

16 “(I) promote nutrition and phys-
17 ical activity in child care settings that
18 reflect the recommendations of—

19 “(aa) the most recent
20 version of the Dietary Guidelines
21 for Americans published under
22 section 301 of the National Nu-
23 trition Monitoring and Related
24 Research Act of 1990 (7 U.S.C.
25 5341); and

1 “(bb) authoritative scientific
2 recommendations;

3 “(II) provide technical assistance
4 and training to sponsors and pro-
5 viders of child care centers and family
6 or group day care homes in imple-
7 menting State or local initiatives de-
8 signed to improve the health and nu-
9 trition of children in child care set-
10 tings;

11 “(III) perform outreach cam-
12 paigns on the State or local level that
13 are designed to increase access to the
14 program in underserved areas and
15 populations, including subsidized child
16 care providers; and

17 “(IV) make innovative use of
18 technology to provide training and
19 education to promote the nutrition,
20 physical activity, and health of chil-
21 dren.

22 “(D) APPLICATION.—To be eligible to re-
23 ceive a grant under this paragraph, a State
24 agency shall submit an application to the Sec-
25 retary at such time, in such manner, and con-

1 taining such information as the Secretary may
2 require, which shall include—

3 “(i) a plan to promote child care set-
4 tings that encourage healthful behaviors,
5 including improvements to the quality of
6 meals and supplements provided in institu-
7 tions, family or group day care homes, and
8 sponsored centers; and

9 “(ii) a description of—

10 “(I) the procedures by which the
11 State agency will use the grant to
12 award subgrants to institutions; and

13 “(II) the criteria that the State
14 agency will use in awarding such sub-
15 grants.

16 “(E) REPORTING.—Any State agency re-
17 ceiving a grant under this paragraph shall sub-
18 mit a report to the Secretary at such time, in
19 such manner, and containing such information
20 as the Secretary may require that, at a min-
21 imum, shall include—

22 “(i) a description of the activities sup-
23 ported with funds under this paragraph;

24 “(ii) the progress of implementing the
25 activities; and

1 “(iii) the outcome of the activities.

2 “(F) BEST PRACTICES.—The Secretary
3 shall provide to State agencies and institutions
4 best practices for implementing effective nutri-
5 tion and wellness initiatives, including best
6 practices for implementing the activities sup-
7 ported with funds under this paragraph.

8 “(G) FUNDING.—

9 “(i) IN GENERAL.—On October 1,
10 2010, out of any funds in the Treasury not
11 otherwise appropriated, the Secretary of
12 the Treasury shall transfer to the Sec-
13 retary to carry out this paragraph
14 \$25,000,000 to remain available until ex-
15 pended to carry out this paragraph to re-
16 main available until expended.

17 “(ii) RECEIPT AND ACCEPTANCE.—
18 The Secretary shall be entitled to receive,
19 shall accept, and shall use to carry out this
20 paragraph the funds transferred under
21 clause (i) without further appropriation.

22 “(4) ADDITIONAL INFORMATION.—The Sec-
23 retary, in consultation with the Secretary of Health
24 and Human Services, shall make available informa-
25 tion to State agencies and institutions, family and

1 group day care homes, and sponsored centers partic-
2 icipating in the program under this section on com-
3 mon food-related choking hazards and avoiding food
4 choking by young children.”.

5 **SEC. 222. STUDY ON NUTRITION AND WELLNESS QUALITY**
6 **OF CHILD CARE SETTINGS.**

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

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

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

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

24 (4) an assessment of barriers and facilitators
25 to—

1 (A) providing foods to children in child
2 care settings that meet the recommendations of
3 the most recent Dietary Guidelines for Ameri-
4 cans published under section 301 of the Na-
5 tional Nutrition Monitoring and Related Re-
6 search Act of 1990 (7 U.S.C. 5341);

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

10 (C) participation by institutions, family or
11 group day care homes, and sponsored centers
12 under the child and adult care food program es-
13 tablished under section 17 of the Richard B.
14 Russell National School Lunch Act (42 U.S.C.
15 1766); and

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

18 (b) REPORT TO CONGRESS.—The Secretary shall
19 submit to the Committee on Education and Labor of the
20 House of Representatives and the Committee on Agri-
21 culture, Nutrition, and Forestry of the Senate, a report
22 that includes a detailed description of the results of the
23 study conducted under subsection (a).

24 (c) FUNDING.—

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

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

11 **Subtitle C—Special Supplemental**
12 **Nutrition Program for Women,**
13 **Infants, and Children**

14 **SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PRO-**
15 **GRAM.**

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

18 (1) in subsection (a), in the second sentence, by
19 striking “supplemental foods and nutrition education
20 through any eligible local agency” and inserting
21 “supplemental foods and nutrition education, includ-
22 ing breastfeeding promotion and support, through
23 any eligible local agency”;

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

4 (3) in subsection (c)(1), in the first sentence, by
5 striking “supplemental foods and nutrition education
6 to” and inserting “supplemental foods, nutrition
7 education, and breastfeeding support and promotion
8 to”;

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

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

15 (6) in subsection (h)—

16 (A) in paragraph (4)—

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

20 “(4) REQUIREMENTS.—

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

22 “(i) in consultation”;

23 (ii) by redesignating subparagraphs
24 (B) through (F) as clauses (ii) through

1 (vi), respectively, and indenting appro-
2 priately;

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

5 (iv) in clause (vi) (as so redesignated),
6 by striking “2010 initiative.” and inserting
7 “initiative; and”; and

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

9 “(vii) annually compile and publish
10 breastfeeding performance measurements
11 based on program participant data on the
12 number of partially and fully breast-fed in-
13 fants, including breastfeeding performance
14 measurements for—

15 “(I) each State agency; and

16 “(II) each local agency;

17 “(viii) in accordance with subpara-
18 graph (B), implement a program to recog-
19 nize exemplary breastfeeding support prac-
20 tices at local agencies or clinics partici-
21 pating in the special supplemental nutri-
22 tion program established under this sec-
23 tion; and

1 “(ix) in accordance with subparagraph
2 (C), implement a program to provide per-
3 formance bonuses to State agencies.

4 “(B) EXEMPLARY BREASTFEEDING SUP-
5 PORT PRACTICES.—

6 “(i) IN GENERAL.—In evaluating ex-
7 emplary practices under subparagraph
8 (A)(viii), the Secretary shall consider—

9 “(I) performance measurements
10 of breastfeeding;

11 “(II) the effectiveness of a peer
12 counselor program;

13 “(III) the extent to which the
14 agency or clinic has partnered with
15 other entities to build a supportive
16 breastfeeding environment for women
17 participating in the program; and

18 “(IV) such other criteria as the
19 Secretary considers appropriate after
20 consultation with State and local pro-
21 gram agencies.

22 “(ii) AUTHORIZATION OF APPROPRIA-
23 TIONS.—There is authorized to be appro-
24 priated to carry out the activities described

1 in clause (viii) of subparagraph (A) such
2 sums as are necessary.

3 “(C) PERFORMANCE BONUSES.—

4 “(i) IN GENERAL.—Following the
5 publication of breastfeeding performance
6 measurements under subparagraph
7 (A)(vii), the Secretary shall provide per-
8 formance bonus payments to not more
9 than 20 State agencies that demonstrate,
10 as compared to other State agencies par-
11 ticipating in the program—

12 “(I) the highest proportion of
13 breast-fed infants; or

14 “(II) the greatest improvement in
15 proportion of breast-fed infants.

16 “(ii) CONSIDERATION.—In providing
17 performance bonus payments to State
18 agencies under this subparagraph, the Sec-
19 retary shall consider the proportion of fully
20 breast-fed infants in the States.

21 “(iii) USE OF FUNDS.—A State agen-
22 cy that receives a performance bonus
23 under clause (i)—

24 “(I) shall treat the funds as pro-
25 gram income; and

1 “(II) may transfer the funds to
2 local agencies for use in carrying out
3 the program.

4 “(iv) IMPLEMENTATION.—The Sec-
5 retary shall provide the first performance
6 bonuses not later than 1 year after the
7 date of enactment of this clause and may
8 subsequently revise the criteria for award-
9 ing performance bonuses; and”;
10 (B) by striking paragraph (10) and insert-
11 ing the following:

12 “(10) FUNDS FOR INFRASTRUCTURE, MANAGE-
13 MENT INFORMATION SYSTEMS, AND SPECIAL NUTRI-
14 TION EDUCATION.—

15 “(A) IN GENERAL.—For each of fiscal
16 years 2010 through 2015, the Secretary shall
17 use for the purposes specified in subparagraph
18 (B) \$139,000,000 (as adjusted annually for in-
19 flation by the same factor used to determine the
20 national average per participant grant for nutri-
21 tion services and administration for the fiscal
22 year under paragraph (1)(B)).

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

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

2 “(I) infrastructure for the pro-
3 gram under this section;

4 “(II) special projects to promote
5 breastfeeding, including projects to
6 assess the effectiveness of particular
7 breastfeeding promotion strategies;
8 and

9 “(III) special State projects of
10 regional or national significance to
11 improve the services of the program;

12 “(ii) \$35,000,000 shall be used to es-
13 tablish, improve, or administer manage-
14 ment information systems for the program,
15 including changes necessary to meet new
16 legislative or regulatory requirements of
17 the program, of which up to \$5,000,000
18 may be used for Federal administrative
19 costs for this section; and

20 “(iii) \$90,000,000 shall be used for
21 special nutrition education (such as
22 breastfeeding peer counselors and other re-
23 lated activities), of which not more than
24 \$10,000,000 of any funding provided in
25 excess of \$50,000,000 shall be used to

1 make performance bonus payments under
2 paragraph (4)(C).

3 “(C) ADJUSTMENT.—Each of the amounts
4 referred to in clauses (i), (ii), and (iii) of sub-
5 paragraph (B) shall be adjusted annually for
6 inflation by the same factor used to determine
7 the national average per participant grant for
8 nutrition services and administration for the
9 fiscal year under paragraph (1)(B).

10 “(D) PROPORTIONAL DISTRIBUTION.—The
11 Secretary shall distribute funds made available
12 under subparagraph (A) in accordance with the
13 proportional distribution described in subpara-
14 graphs (B) and (C).”; and

15 (7) in subsection (j), by striking “supplemental
16 foods and nutrition education” each place it appears
17 in paragraphs (1) and (2) and inserting “supple-
18 mental foods, nutrition education, and breastfeeding
19 support and promotion”.

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

21 Section 17(f)(11)(D) of the Child Nutrition Act of
22 1966 (42 U.S.C. 1786(f)(11)(D)) is amended in the mat-
23 ter preceding clause (i) by inserting “but not less than
24 every 10 years,” after “scientific knowledge,”.

Subtitle D—Miscellaneous**SEC. 242. PROCUREMENT TECHNICAL ASSISTANCE AND
GUIDANCE.**

Subsection (m) of section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(m)) is amended to read as follows:

“(m) PROCUREMENT.—

“(1) IN GENERAL.—The Secretary shall provide technical assistance, guidance, and training to State agencies, local educational agencies, and school food authorities for the procurement of goods and services for programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (other than section 17 of that Act (42 U.S.C. 1786)).

“(2) BUY AMERICAN TRAINING.—Activities carried out under paragraph (1) shall include technical assistance and training to ensure compliance with subsection (n).

“(3) FOOD PROCUREMENT.—

“(A) SURVEY OF FOOD PRODUCT INFORMATION.—

“(i) IN GENERAL.—The Secretary shall assess the availability and quality of food product information available to school food authorities for foods most com-

1 monly offered in the school nutrition pro-
2 grams under this Act and the Child Nutri-
3 tion Act of 1966 (42 U.S.C. 1771 et seq.),
4 including commodity foods, commercial
5 foods, and foods procured directly from a
6 farm.

7 “(ii) SCOPE.—The scope of the as-
8 sessment should survey what type of food
9 product information school food authorities
10 have access to including—

11 “(I) nutritional information;

12 “(II) information on the food
13 safety standards that a food product
14 has met throughout production and
15 processing; and

16 “(III) any other food product in-
17 formation as determined by the Sec-
18 retary.

19 “(iii) PROCUREMENT SPECIFICA-
20 TIONS.—As part of the survey under this
21 subparagraph, the Secretary shall collect
22 best practices and models for food product
23 specifications, including nutrition and food
24 safety specifications, for foods (by type)
25 used in the school nutrition programs.

1 “(iv) REPORT.—Not later than 2 year
2 after the date of the enactment of the Im-
3 proving Nutrition for America’s Children
4 Act, the Secretary shall submit to the
5 Committee on Education and Labor of the
6 House of Representatives and the Com-
7 mittee on Agriculture, Nutrition and For-
8 estry of the Senate a report on the results
9 of the assessment and include such legisla-
10 tive recommendations as the Secretary con-
11 siders necessary to ensure that school food
12 authorities have access to food product in-
13 formation needed for compliance with the
14 requirements for the 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 “(B) MODEL PROCUREMENT SPECIFICA-
18 TIONS.—Not later than 1 year after the comple-
19 tion of the survey under subparagraph (A), the
20 Secretary shall make available to State agencies
21 and school food authorities model product speci-
22 fications for foods most commonly offered in
23 school nutrition programs under this Act and
24 the Child Nutrition Act of 1966 (42 U.S.C.
25 1771 et seq.) that—

1 “(i) reflect the goals of the most re-
2 cent Dietary Guidelines for Americans
3 published under section 301 of the Na-
4 tional Nutrition Monitoring and Related
5 Research Act of 1990 (7 U.S.C. 5341);

6 “(ii) encourage the use of foods rec-
7 ommended by the most recent Dietary
8 Guidelines for Americans, including fruits,
9 vegetables, fat-free and reduced fat dairy
10 products, and whole grains;

11 “(iii) reflect best practices for safe
12 production, handling, and processing of
13 foods as determined by the Secretary; and

14 “(iv) any other specifications as deter-
15 mined by the Secretary.

16 “(4) FOODSERVICE MANAGEMENT PROCURE-
17 MENT.—Activities carried out under paragraph (1)
18 shall include model contract specifications and prac-
19 tices for procuring school food services for the provi-
20 sion of meals in compliance with the requirements
21 for administering the school nutrition programs
22 under this Act and the Child Nutrition Act of 1966
23 (42 U.S.C. 1771 et seq.).

24 “(5) FUNDING.—

1 “(A) MANDATORY FUNDING.—On October
2 1, 2010, out of any moneys in the Treasury not
3 otherwise appropriated, the Secretary of the
4 Treasury shall provide to the Secretary to carry
5 out this subsection \$4,000,000 to remain avail-
6 able until expended. The Secretary shall be en-
7 titled to receive the funds and shall accept the
8 funds, without further appropriation.

9 “(B) AUTHORIZATION OF APPROPRIA-
10 TIONS.—In addition to the amounts made avail-
11 able under subparagraph (A), there are author-
12 ized to be appropriated to carry out this sub-
13 section such sums as are necessary for each of
14 fiscal years 2011 through 2015.”.

15 **SEC. 243. RESEARCH ON STRATEGIES TO PROMOTE**
16 **HEALTHY EATING.**

17 (a) IN GENERAL.—The Secretary, in consultation
18 with the Secretary of Health and Human Services and the
19 Secretary of Education, shall establish a research, dem-
20 onstration, and technical assistance program to promote
21 healthy eating and prevent and reduce the prevalence of
22 obesity by applying the principles and insights of behav-
23 ioral economics research in schools, child care programs,
24 and other settings.

1 (b) PRIORITIES.—In carry out the program under
2 subsection (a), the Secretary shall—

3 (1) identify and assess the impacts of specific
4 presentation, placement, and other strategies for
5 structuring choices on selection and consumption of
6 healthful foods in a variety of settings, consistent
7 with the most recent version of the Dietary Guide-
8 lines for Americans published under section 301 of
9 the National Nutrition Monitoring and Related Re-
10 search Act of 1990 (7 U.S.C. 5341);

11 (2) demonstrate and rigorously evaluate behav-
12 ioral economics-related interventions that hold prom-
13 ise to improve diets and promote health, including
14 through demonstration projects that may include
15 evaluation of the use of portion size, labeling, con-
16 venience, and other strategies to encourage healthy
17 choices; and

18 (3) encourage adoption of the most effective
19 strategies through outreach and technical assistance.

20 (c) AUTHORITY.—In carrying out the program under
21 subsection (a), the Secretary may—

22 (1) enter into competitively awarded contracts
23 or cooperative agreements; or

1 (2) provide grants to States or public or private
2 agencies or organizations, as determined by the Sec-
3 retary.

4 (d) APPLICATION.—To be eligible to enter into a con-
5 tract or cooperative agreement or receive a grant under
6 this section, a State or public or private agency or organi-
7 zation shall submit to the Secretary an application at such
8 time, in such manner, and containing such information as
9 the Secretary may require.

10 (e) COORDINATION.—The solicitation and evaluation
11 of contracts, cooperative agreements, and grant proposals
12 considered under this section shall be coordinated with the
13 Food and Nutrition Service as appropriate to ensure that
14 funded projects are consistent with the operations of Fed-
15 erally supported nutrition assistance programs and related
16 laws (including regulations).

17 (f) ANNUAL REPORTS.—Not later than 90 days after
18 the end of each fiscal year, the Secretary shall submit to
19 the Committee on Education and Labor of the House of
20 Representatives and the Committee on Agriculture, Nutri-
21 tion, and Forestry of the Senate a report that includes
22 a description of—

23 (1) the policies, priorities, and activities of the
24 program carried out by the Secretary under this sec-
25 tion during the fiscal year;

1 (2) the results of any evaluations completed
2 during the fiscal year; and

3 (3) the efforts undertaken to disseminate suc-
4 cessful practices through outreach and technical as-
5 sistance.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated to carry out this section such sums as
9 are necessary for each of fiscal years 2011 through
10 2015.

11 (2) USE OF FUNDS.—The Secretary may use
12 up to 5 percent of the funds made available under
13 paragraph (1) for Federal administrative expenses
14 incurred in carrying out this section.

15 **SEC. 244. FOOD MARKETING STUDY.**

16 (a) STUDY AND REPORT ON FOOD MARKETING.—
17 From the amounts appropriated under subsection (f), the
18 Secretary, in consultation with the Secretary of Education
19 and the Secretary of Health and Human Services, shall
20 conduct a study on the extent and types of marketing of
21 foods and beverages in elementary and secondary schools.
22 In carrying out the study, the Secretary shall collaborate
23 with, and include information from, the Division of Ado-
24 lescent and School Health of the Centers for Disease Con-
25 trol and Prevention.

1 (b) ASSESSMENT OF NUTRITION.—The study con-
2 ducted under subsection (a) shall assess the nutritional
3 quality of the types of foods and beverages marketed in
4 schools.

5 (c) ASSESSMENT OF MEDIA.—The study conducted
6 subsection (a) shall assess all media through which foods
7 and beverages are marketed to children in elementary and
8 secondary schools, including—

9 (1) brand and product logos, names, or infor-
10 mation on educational materials, book covers, school
11 supplies, posters, vending machine exteriors, score-
12 boards, displays, signs, equipment, buses, buildings,
13 and other school property;

14 (2) educational and other incentive programs;

15 (3) label redemption programs;

16 (4) in-school television, radio, and print publica-
17 tions;

18 (5) free samples and coupons;

19 (6) branded fundraising activities;

20 (7) taste-testing and other market research ac-
21 tivities; and

22 (8) incidental exposure to food and beverage
23 marketing through computer use, including com-
24 puter banner and wallpaper ads, or podcasts in
25 schools.

1 (d) EXAMINATION OF REGULATORY MECHANISMS.—

2 The study conducted subsection (a) shall also examine
3 mechanisms regulating marketing in elementary and sec-
4 ondary schools, including—

5 (1) Federal, State, and local policies;

6 (2) contracts; and

7 (3) sales incentives.

8 (e) REPORT.—Not later than 1 year after the comple-
9 tion of the study conducted under subsection (a), the Sec-
10 retary shall submit to Congress a report on the results
11 of the study required by subsection (a).

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated \$1,000,000 to carry out
14 this section.

15 **SEC. 245. NATIONAL SCHOOL LUNCH PROGRAM EQUIP-**
16 **MENT ASSISTANCE GRANTS.**

17 (a) IN GENERAL.—From the funds made available
18 under subsection (e), the Secretary shall make payments
19 to State educational agencies to award grants to school
20 food authorities for the purchase of equipment for schools
21 under the jurisdiction of such authorities.

22 (b) ALLOCATION AND REALLOCATION.—

23 (1) ALLOCATION.—Payments under subsection

24 (a) shall be allocated to State educational agencies

25 in a manner proportional with each agency's admin-

1 administrative expense allocation under section 7(a)(2) of
2 the Child Nutrition Act of 1966 (42 U.S.C.
3 1776(a)(2)).

4 (2) REALLOCATION.—If a State educational
5 agency does not accept or use the amounts made
6 available under its allocation in accordance with this
7 section, the Secretary shall reallocate such amounts
8 to other State educational agencies, as the Secretary
9 determines necessary.

10 (c) GRANTS TO SCHOOL FOOD AUTHORITIES.—

11 (1) IN GENERAL.—Not later than 180 days
12 after receiving an allocation under subsection (a), a
13 State educational agency shall award grants, on a
14 competitive basis, to school food authorities.

15 (2) APPLICATION.—To qualify to receive a
16 grant under this section, a school food authority
17 shall—

18 (A) submit an application to a State edu-
19 cational agency at such time, in such manner,
20 and containing such information as the State
21 educational agency may require; or

22 (B) have submitted an application to re-
23 ceive equipment assistance under the grant pro-
24 gram carried out under—

1 (i) the heading “Food and Nutrition
2 Service Child Nutrition Programs” in title
3 I of division A of the American Recovery
4 and Reinvestment Act of 2009 (Public
5 Law 111–5); or

6 (ii) section 748(j) of the Agriculture,
7 Rural Development, Food and Drug ad-
8 ministration, and Related Agencies Appro-
9 priations Act, 2010 (Public Law 111–80;
10 123 Stat. 2134).

11 (3) PRIORITY.—In awarding grants to school
12 food authorities, a State shall give priority to school
13 food authorities whose application demonstrate that
14 in providing equipment assistance to schools with
15 funds received under this section, such authorities
16 will give priority to schools—

17 (A) in which not less than 50 percent of
18 the enrolled students are eligible for free or re-
19 duced price meals under the Richard B. Russell
20 National School Lunch Act (42 U.S.C. 1751 et
21 seq.); and

22 (B) that did not benefit from equipment
23 assistance under the grant program carried out
24 under—

1 (i) the heading “Food and Nutrition
2 Service Child Nutrition Programs” in title
3 I of division A of the American Recovery
4 and Reinvestment Act of 2009 (Public
5 Law 111–5; 123 Stat. 119); or

6 (ii) section 748(j) of the Agriculture,
7 Rural Development, Food and Drug ad-
8 ministration, and Related Agencies Appro-
9 priations Act, 2010 (Public Law 111–80;
10 123 Stat. 2134).

11 (4) USES OF FUNDS.—Under the terms and
12 conditions established by the Secretary, a school
13 food authority receiving a grant under this section
14 shall use such funds to purchase equipment for
15 schools under the jurisdiction of the school food au-
16 thority—

17 (A) to improve the quality of food served
18 under the school nutrition programs established
19 under the Richard B. Russell National School
20 Lunch Act (42 U.S.C. 1751 et seq.) and the
21 Child Nutrition Act of 1966 (42 U.S.C. 1771 et
22 seq.), consistent with the goals of the most re-
23 cent Dietary Guidelines for Americans pub-
24 lished under section 301 of the National Nutri-

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

3 (B) to improve the safety of food served
4 under the school meal programs;

5 (C) to improve the overall energy efficiency
6 of school foodservice operations; or

7 (D) for other purposes as established by
8 the Secretary.

9 (d) ADMINISTRATIVE COSTS.—A State educational
10 agency receiving an allocation under this section may not
11 use more than 5 percent of such allocation for administra-
12 tive costs associated with awarding grants to eligible
13 school food authorities in accordance with this section.

14 (e) FUNDING.—There are authorized to be appro-
15 priated to carry out this section such sums as may be nec-
16 essary for each of fiscal years 2011 through 2015.

17 **SEC. 246. GREEN CAFETERIAS PILOT PROGRAM.**

18 (a) ESTABLISHMENT OF THE PROGRAM.—From the
19 amounts appropriated to carry out this section under sub-
20 section (e), the Secretary of Agriculture, in consultation
21 with the Administrator of the Environmental Protection
22 Agency, shall establish the green cafeterias pilot program
23 in accordance with this section to provide competitive
24 grants to school food authorities to create green cafeterias

1 in the elementary schools and secondary schools under the
2 jurisdiction of such school food authorities.

3 (b) APPLICATIONS.—In order to receive a grant
4 under this section, a school food authority shall submit
5 an application at such time, in such manner, and accom-
6 panied by such information as the Secretary may require,
7 including—

8 (1) a description of the schools in which the en-
9 vironmental improvements described in subsection
10 (c)(2) will be made using the grant funds;

11 (2) a draft work plan for making the environ-
12 mental improvements, including a description of the
13 uses of funds;

14 (3) an assessment of the expected environ-
15 mental, economic, and educational benefits of the
16 environmental improvements;

17 (4) a cost estimate of the proposed uses of
18 funds; and

19 (5) the proposed use of private financing for
20 such environmental improvements.

21 (c) ALLOWABLE USES.—

22 (1) IN GENERAL.—A school food authority re-
23 ceiving a grant under this section shall use the grant
24 to carry out at least 2 of the allowable uses de-
25 scribed in paragraph (2) in the cafeterias of elemen-

1 tary schools and secondary schools within the juris-
2 diction of the authority.

3 (2) ALLOWABLE USES.—The allowable uses de-
4 scribed in this paragraph are as follows:

5 (A) Procurement of environmentally-pref-
6 erable products, such as recycled content, en-
7 ergy efficient, or biobased products.

8 (B) Recycling activities, such as—

9 (i) fat, oil, and grease recycling;

10 (ii) collection, separation, and proc-
11 essing of post-consumer waste; or

12 (iii) composting.

13 (C) Purchasing energy or water efficient
14 appliances and products that meet Energy Star,
15 WaterSense guidelines, or the equivalent where
16 these labels do not exist.

17 (d) EVALUATION.—Not later than 1 after the date
18 of enactment this section, the Secretary shall evaluate the
19 pilot program conducted under this section to assess—

20 (1) the types of activities carried out by school
21 food authorities receiving grants under this section;

22 (2) the immediate cost or savings, including any
23 projected costs or savings, of the green cafeteria ef-
24 forts carried out by such school food authorities;

1 (3) the environmental benefits associated with
2 the green cafeteria efforts; and

3 (4) any other factors and outcomes associated
4 with carrying out the green cafeteria efforts, as de-
5 termined by the Secretary.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 such sums as may be necessary for each of fiscal years
9 2011 through 2015.

10 (f) DEFINITIONS.—In this section:

11 (1) ELEMENTARY SCHOOL; SECONDARY
12 SCHOOL.—The terms “elementary school” and “sec-
13 ondary school” have the meanings given such term
14 in section 9101 of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 7801).

16 (2) ENVIRONMENTALLY-PREFERABLE.—The
17 term “environmentally-preferable” means products
18 or services that have a lesser or reduced effect on
19 human health and the environment as compared to
20 competing products or services that serve the same
21 purpose. The product or service comparison may
22 consider raw materials acquisition, production, man-
23 ufacturing, packaging, distribution, reuse, mainte-
24 nance, or disposal.

1 **SEC. 247. PARTNERSHIPS FOR WELLNESS GRANTS.**

2 (a) IN GENERAL.—From the amounts appropriated
3 under subsection (i), the Secretary of Agriculture shall
4 award grants to eligible entities, on a competitive basis,
5 for projects that leverage community resources and sup-
6 port student access to physical activity, nutrition edu-
7 cation, and nutritious foods during the regular school cal-
8 endar.

9 (b) APPLICATION.—

10 (1) IN GENERAL.—Each eligible entity that de-
11 sires to receive a grant under this section shall sub-
12 mit an application to the Secretary at such time, in
13 such manner, and containing such information as
14 the Secretary may reasonably require, including—

15 (A) a community-involvement plan de-
16 scribed in paragraph (2);

17 (B) a description of the partners of the eli-
18 gible entity that will be involved in the imple-
19 mentation of the community-involvement plan;

20 (C) a description of the roles that will be
21 played by each partner of the eligible entity in
22 the implementation of the community-involvement
23 plan, including a description of the serv-
24 ices that will be provided by each partner of the
25 eligible entity; and

1 (D) a description of how funds received
2 under this section will be integrated with other
3 Federal, State, and local funds to maximize
4 services and opportunities for students, their
5 families, and the community to be served by the
6 eligible entity, including a description of how
7 funds received under this section will be distrib-
8 uted and utilized.

9 (2) COMMUNITY INVOLVEMENT PLAN.—

10 (A) IN GENERAL.—To be eligible to receive
11 a grant under this section, an eligible entity
12 shall develop a plan for leveraging resources,
13 services, and opportunities available within the
14 community to be served by the eligible entity in
15 order to increase, during the regular school cal-
16 endar, student access to physical activity, and
17 nutrition education, and nutritious foods.

18 (B) REQUIREMENTS.—The community-in-
19 volvement plan shall include—

20 (i) a needs assessment based on
21 guidelines established by the Secretary
22 that describes the need for access to phys-
23 ical activity, nutrition education, and nutri-
24 tious foods, during the regular school cal-
25 endar, of students served by the local edu-

1 cational agency that is partner of the eligi-
2 ble entity;

3 (ii) a description of the potential re-
4 sources, services, and opportunities avail-
5 able within the community to be served by
6 the eligible entity, or available near the
7 community, that the students, the families
8 of such students, and individuals in the
9 community may be able to access to meet
10 the needs identified under clause (i);

11 (iii) a description of the role of each
12 of the partners of the eligible entity in pro-
13 viding services described in subsection (c)
14 to the students and families of the stu-
15 dents;

16 (iv) a strategy for linking students
17 and the parents and families of the stu-
18 dents with the opportunities for services
19 available through the eligible entity; and

20 (v) a strategy for evaluating the im-
21 pact of services that will be provided to
22 students and their families through the eli-
23 gible entity, including—

24 (I) a description of the resources,
25 supports, and opportunities that will

1 be leveraged from the community to
2 provide such services;

3 (II) a description of how progress
4 in increasing student access to phys-
5 ical activity, nutrition education, and
6 nutritious food will be measured; and

7 (III) a description of how the im-
8 pact of increasing student access to
9 physical activity, nutrition education,
10 and nutritious food will be measured.

11 (c) USES OF FUNDS.—An eligible entity receiving a
12 grant under this section shall use the funds to carry out
13 1 or more of the following services:

14 (1) Increasing, during the regular school cal-
15 endar, student access to physical activity, including
16 through short bouts of physical activity in the class-
17 room and structured physical activities that are
18 taught and led by trained adults during recess.

19 (2) Increasing, during the regular school cal-
20 endar, student access to nutrition education, includ-
21 ing nutrition education provided through the com-
22 munity by local nutritionists, or other health care
23 providers.

24 (3) Increasing, during the regular school cal-
25 endar, student access to nutritious foods, including

1 through food demonstrations with local chefs and
2 restaurants.

3 (d) MATCHING REQUIREMENT.—To be eligible to re-
4 ceive a grant under this section, an eligible entity shall
5 agree to provide non-Federal contributions in an amount
6 equal to not less than 50 percent of the amount of Federal
7 funds provided under a grant under this section.

8 (e) DURATION.—A grant under this section shall be
9 awarded for a period of not more than 3 years.

10 (f) SUPPLEMENT, NOT SUPPLANT.—Funds made
11 available under this section shall be used to supplement,
12 and not supplant, any other Federal, State, or local funds
13 that would otherwise be available to carry out the services
14 assisted under this section.

15 (g) REPORTING.—Each eligible entity that receives a
16 grant under this section shall, on an annual basis during
17 each year of the grant period, report to the Secretary on—

18 (1) the number and type of, and the roles
19 played by, partners of the eligible entity involved in
20 the development and implementation of the entity's
21 community-involvement plan described in subsection

22 (b)(2);

23 (2) the services coordinated or provided under
24 the community-involvement plan; and

1 (3) a description of the degree to which the eli-
2 gible entity has made progress in increasing student
3 access to physical activity, nutrition education, and
4 nutritious foods as a result of the services provided
5 under the community-development plan.

6 (h) DEFINITIONS.—For purposes of this section:

7 (1) CHILD-AND-YOUTH-SERVING ORGANIZA-
8 TION.—The term “child-and-youth-serving organiza-
9 tion” means a public or private organization with a
10 primary focus on providing to children and youth,
11 youth development programs, or health, fitness, edu-
12 cation, child welfare, psychological, parenting, or
13 recreation services.

14 (2) COMMUNITY-BASED ORGANIZATION.—The
15 term “community-based organization” means a pub-
16 lic or private nonprofit organization of demonstrated
17 effectiveness that—

18 (A) is representative of a community or
19 significant segments of a community; and

20 (B) provides nutrition, nutrition education,
21 or physical fitness services, or other related
22 services to individuals in the community.

23 (3) DURING THE REGULAR SCHOOL CAL-
24 ENDAR.—The phrase “during the regular school cal-

1 endar” refers to a period during the regular school
2 calendar during school hours.

3 (4) ELIGIBLE ENTITY.—

4 (A) IN GENERAL.—The term “eligible enti-
5 ty” means a local educational agency partici-
6 pating in the lunch program under the Richard
7 B. Russell National and the breakfast program
8 under section 4 of the Child Nutrition Act of
9 1966 (42 U.S.C. 1771 et seq.) that has estab-
10 lished a partnership with 1 or more entities de-
11 scribed in subparagraph (B).

12 (B) ENTITIES.—The entities described in
13 this subparagraph are as follows:

14 (i) A community-based organization.

15 (ii) A child-and-youth-serving organi-
16 zation or agency.

17 (iii) An institution of higher edu-
18 cation.

19 (iv) A hospital or health care provider.

20 (v) Other business or community part-
21 ner.

22 (5) INSTITUTION OF HIGHER EDUCATION.—The
23 term “institution of higher education” has the
24 meaning given the term in section 102 of the Higher
25 Education Act of 1965 (20 U.S.C. 1002).

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 such sums as may be necessary for each of fiscal years
4 2011 through 2015.

5 **TITLE III—IMPROVING THE MAN-**
6 **AGEMENT AND INTEGRITY OF**
7 **CHILD NUTRITION PRO-**
8 **GRAMS**

9 **Subtitle A—National School Lunch**
10 **Program**

11 **SEC. 301. INDIRECT COSTS.**

12 (a) GUIDANCE ON INDIRECT COSTS RULES.—Not
13 later than 180 days after the date of enactment of this
14 Act, the Secretary shall issue guidance to school food au-
15 thorities participating in the school lunch program estab-
16 lished under the Richard B. Russell National School
17 Lunch Act (42 U.S.C. 1751 et seq.) and the school break-
18 fast program established by section 4 of the Child Nutri-
19 tion Act of 1966 (42 U.S.C. 1773) covering program rules
20 pertaining to allowable costs that may be charged to the
21 nonprofit school food service accounts, including indirect
22 costs and direct costs.

23 (b) INDIRECT AND DIRECT COSTS STUDY.—The Sec-
24 retary shall—

1 (1) conduct a study to assess the extent to
2 which school food authorities participating in the
3 school lunch program established under the Richard
4 B. Russell National School Lunch Act (42 U.S.C.
5 1751 et seq.) and the school breakfast program es-
6 tablished by section 4 of the Child Nutrition Act of
7 1966 (42 U.S.C. 1773) pay indirect and direct costs,
8 including assessments of—

9 (A) the allocation of indirect and direct
10 costs to such school food authorities;

11 (B) the methodologies used to establish in-
12 direct cost rates for such school food authori-
13 ties);

14 (C) the types and amounts of indirect costs
15 charged and recovered by school districts;

16 (D) the impact of indirect costs charged to
17 the nonprofit school food service account of
18 such school food authorities;

19 (E) whether the indirect and direct costs
20 charged or recovered are consistent with re-
21 quirements for the allocation of costs and
22 school food service operations; and

23 (F) the types and amounts of indirect and
24 direct costs that could be charged or recovered
25 under requirements for the allocation of costs

1 and school food service operations but are not
2 charged or recovered; and

3 (2) after completing the study required under
4 paragraph (1), issue additional guidance relating to
5 the types of costs that are reasonable and necessary
6 to provide meals under the Richard B. Russell Na-
7 tional School Lunch Act (42 U.S.C. 1751 et seq.)
8 and the Child Nutrition Act of 1966 (42 U.S.C.
9 1771 et seq.).

10 (c) REGULATIONS.—After conducting the study
11 under subsection (b)(1) and identifying costs under sub-
12 section (b)(2), the Secretary may promulgate regulations
13 to address—

14 (1) any identified deficiencies in the allocation
15 of indirect and direct costs charged to school food
16 authorities participating in the lunch program under
17 the Richard B. Russell National School Lunch Act
18 (42 U.S.C. 1751 et seq.) and the breakfast program
19 under the Child Nutrition Act of 1966 (42 U.S.C.
20 1773); and

21 (2) the authority of school food authorities to
22 reimburse only those costs identified by the Sec-
23 retary as reasonable and necessary under subsection
24 (b)(2).

1 (d) REPORT.—Not later than October 1, 2013, the
2 Secretary shall submit to the Committee on Education and
3 Labor of the House of Representatives and the Committee
4 on Agriculture, Nutrition, and Forestry of the Senate a
5 report that describes the results of the study under sub-
6 section (b).

7 (e) FUNDING.—

8 (1) IN GENERAL.—On October 1, 2010, out of
9 any funds in the Treasury not otherwise appro-
10 priated, the Secretary of the Treasury shall transfer
11 to the Secretary to carry out this section
12 \$2,000,000, to remain available until expended.

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

18 (f) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall take effect on July 1, 2011.

20 **SEC. 302. REVENUE FROM NONPROGRAM FOODS SOLD IN**
21 **SCHOOLS.**

22 (a) AMENDMENT.—Section 12 of the Richard B.
23 Russell National School Lunch Act (42 U.S.C. 1760) (as
24 amended by section 242) is amended by adding at the end
25 the following:

1 “(q) NONPROGRAM FOOD SALES.—

2 “(1) DEFINITION OF NONPROGRAM FOOD.—In
3 this subsection:

4 “(A) IN GENERAL.—The term nonprogram
5 food means food that is—

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

10 “(ii) purchased using funds from the
11 nonprofit school food service account of the
12 school food authority of the school.

13 “(B) INCLUSION.—The term nonprogram
14 food includes food that is sold in competition
15 with a program established under this Act or
16 the Child Nutrition Act of 1966 (42 U.S.C.
17 1771 et seq.).

18 “(2) REVENUES.—

19 “(A) IN GENERAL.—The proportion of
20 total school food service revenue provided by the
21 sale of nonprogram foods to the total revenue
22 of the school food service account shall be equal
23 to or greater than the proportion of total food
24 costs associated with obtaining nonprogram
25 foods to the total costs associated with obtain-

1 ing program and nonprogram foods from the
2 account.

3 “(B) ACCRUAL.—All revenue from the sale
4 of nonprogram foods shall accrue to the non-
5 profit school food service account of a partici-
6 pating school food authority.

7 “(3) REPORT.—Not later than 4 years after en-
8 actment of this subsection, the Secretary shall sub-
9 mit to the Committee on Education and Labor of
10 the House of Representatives and the Committee on
11 Agriculture, Nutrition, and Forestry of the Senate a
12 report describing the impact of implementation of
13 this subsection on financial accounting processes and
14 procedures, the nonprofit school food service ac-
15 count, and school food service operations.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect on July 1, 2011.

18 **SEC. 303. REPORTING AND NOTIFICATION OF SCHOOL PER-**
19 **FORMANCE.**

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

22 (1) by striking subsection (a) and inserting the
23 following:

24 “(a) UNIFIED ACCOUNTABILITY SYSTEM.—

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

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

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

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

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

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

24 “(C) in conducting audits and reviews for
25 the purpose of determining compliance with this

1 Act, including the nutritional requirements of
2 section 9(f)—

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

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

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

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

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

1 **SEC. 304. COMPLIANCE AND ACCOUNTABILITY STUDY.**

2 (a) IN GENERAL.—The Secretary of Agriculture shall
3 conduct a study to—

4 (1) assess the effectiveness and efficiency of ad-
5 ministrative review systems to ensure—

6 (A) each local educational agency partici-
7 pating in the school lunch program established
8 under the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1751 et seq.) complies
10 with the provisions of such Act, including the
11 provisions with respect to nutrition, eligibility,
12 meal counts, and claims for reimbursement;

13 (B) each local educational agency partici-
14 pating in the school breakfast program estab-
15 lished under section 4 of the Child Nutrition
16 Act of 1966 (42 U.S.C. 1773) complies with the
17 provisions of such Act, including the provisions
18 with respect to nutrition, eligibility, meal
19 counts, and claims for reimbursement; and

20 (C) each local educational agency described
21 in subparagraphs (A) and (B) is accountable
22 for the compliance described in such subpara-
23 graphs;

24 (2) design and test alternative processes and
25 procedures that may improve the effectiveness and
26 efficiency of the administrative review systems de-

1 scribed in paragraph (1), and determine the optimal
2 frequency for carrying out reviews under such sys-
3 tems; and

4 (3) identify any alternative processes and proce-
5 dures for establishing a more effective and efficient
6 administrative review system that—

7 (A) reflect the results of tests of alter-
8 native processes and procedures conducted pur-
9 suant to paragraph (2); and

10 (B) consider the practicality of imple-
11 menting such alternative processes and proce-
12 dures, including the cost and burden of imple-
13 mentation that would be imposed on school food
14 authorities, local educational agencies, and
15 State educational agencies.

16 (b) REPORT.—Not later than 3 years after the date
17 of the enactment of this Act, the Secretary of Agriculture
18 shall submit to the Committee on Education and Labor
19 of the House of Representatives and the Committee on
20 Agriculture, Nutrition, and Forestry of the Senate, a re-
21 port that describes the results and recommendations of the
22 study conducted pursuant to subsection (a).

23 (c) REGULATIONS.—The Secretary of Agriculture
24 may prescribe regulations as may be necessary to imple-
25 ment the processes or procedures identified pursuant to

1 subsection (a)(3) for establishing an effective and efficient
2 administrative review system.

3 (d) FUNDING.—

4 (1) IN GENERAL.—Upon the date of the enact-
5 ment of this Act, out of any funds in the Treasury
6 not otherwise appropriated, the Secretary of the
7 Treasury shall transfer to the Secretary of Agri-
8 culture \$3,000,000 to carry out this section, to re-
9 main available until expended.

10 (2) RECEIPT AND ACCEPTANCE.—The Sec-
11 retary of Agriculture shall be entitled to receive,
12 shall accept, and shall use to carry out this section
13 the funds transferred under paragraph (1), without
14 further appropriation.

15 **SEC. 305. APPLICABILITY OF FOOD SAFETY PROGRAM ON**
16 **ENTIRE SCHOOL CAMPUS.**

17 Section 9(h) of the Richard B. Russell National
18 School Lunch Act (42 U.S.C. 1758(h)) is amended—

19 (1) in paragraph (1), by amending subpara-
20 graph (B) to read as follows:

21 “(B) post a report on the most recent in-
22 spection conducted under subparagraph (A)
23 in—

24 “(i) a publicly visible location in the
25 school foodservice area; and

1 “(ii) a publicly accessible location on
2 the Internet website of the local edu-
3 cational agency.”;

4 (2) in paragraph (5)—

5 (A) by striking “Each school authority”
6 and inserting the following:

7 “(A) IN GENERAL.—Each school food au-
8 thority”; and

9 (B) by adding at the end the following:

10 “(B) APPLICABILITY.—The requirements
11 of the school food safety program described in
12 subparagraph (A) shall apply to any facility or
13 part of a facility where food is stored, prepared,
14 and served for the purposes of the school nutri-
15 tion programs under this Act and the school
16 breakfast program under section 4 of the Child
17 Nutrition Act of 1966 (42 U.S.C. 1773).”;

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

19 “(6) TRAINING REQUIREMENT.—

20 “(A) IN GENERAL.—Each school food au-
21 thority participating in a program under this
22 Act shall ensure that all school food service
23 workers employed by the authority shall—

24 “(i) have access to appropriate train-
25 ing under a qualified training program, as

1 described in subparagraph (B), on safe
2 handling, preparation, and delivery of food
3 to children participating in the school meal
4 programs; and

5 “(ii) comply with a performance
6 standard for safe food handling, deter-
7 mined by the Secretary that is consistent
8 with nationally recognized standards appli-
9 cable to the preparation and delivery of
10 meals served to children in a school envi-
11 ronment.

12 “(B) QUALIFIED TRAINING PROGRAM.—

13 School foodservice workers shall have access to
14 comprehensive food safety training programs
15 that, at a minimum, shall—

16 “(i) be based on a process approach to
17 Hazard Analysis Critical Control Point
18 (HACCP) principles established by the
19 Secretary; and

20 “(ii) include training related to—

21 “(I) personal hygiene and patho-
22 gens, including characteristics of ill-
23 ness (including foodborne illnesses);

1 “(II) safe food service operations,
2 including kitchen sanitation and
3 equipment maintenance;

4 “(III) safe food handling, prepa-
5 ration, and delivery including storage,
6 thawing, prepping, cooking, cooling
7 and reheating practices for all forms
8 of food, including fresh, frozen, and
9 canned food; and

10 “(IV) other such topics deter-
11 mined by the Secretary.”.

12 **SEC. 306. ENSURING SAFETY OF SCHOOL MEALS.**

13 The Richard B. Russell National School Lunch Act
14 is amended by after section 28 (42 U.S.C. 1769i) the fol-
15 lowing:

16 **“SEC. 29. ENSURING SAFETY OF SCHOOL MEALS.**

17 “(a) FOOD AND NUTRITION SERVICE.—Not later
18 than 1 year after the date of enactment of the Improving
19 Nutrition for America’s Children Act, the Secretary, act-
20 ing through the Administrator of the Food and Nutrition
21 Service, shall—

22 “(1) in consultation with the Administrator of
23 the Agricultural Marketing Service and the Adminis-
24 trator of the Farm Service Agency, develop guide-
25 lines to determine the circumstances under which it

1 is appropriate for the Secretary to institute an ad-
2 ministrative hold on suspect foods purchased by the
3 Secretary that are being used in school meal pro-
4 grams under this Act and the Child Nutrition Act
5 of 1966 (42 U.S.C. 1771 et seq.);

6 “(2) work with States to explore ways for the
7 States to increase the timeliness of notification of
8 food recalls to schools and school food authorities;

9 “(3) improve the timeliness and completeness of
10 direct communication between the Food and Nutri-
11 tion Service and States about holds and recalls, such
12 as through the commodity alert system of the Food
13 and Nutrition Service; and

14 “(4) establish a timeframe to improve the com-
15 modity hold and recall procedures of the Department
16 of Agriculture to address the role of processors and
17 determine the involvement of distributors with proc-
18 essed products that may contain recalled ingredients,
19 to facilitate the provision of more timely and com-
20 plete information to schools.

21 “(b) FOOD SAFETY AND INSPECTION SERVICE.—Not
22 later than 1 year after the date of enactment of the Im-
23 proving Nutrition for America’s Children Act the Sec-
24 retary, acting through the Administrator of the Food
25 Safety and Inspection Service, shall revise the procedures

1 of the Food Safety and Inspection Service to ensure that
2 schools are included in effectiveness checks.”.

3 **SEC. 307. INFORMATION ON COMMODITY FOOD SUPPLIERS.**

4 Section 6 of the Richard B. Russell National School
5 Lunch Act (42 U.S.C. 1755) is amended by adding at the
6 end the following:

7 “(f) COMMODITY FOOD VENDORS.—The Secretary
8 shall make available to State agencies, school food authori-
9 ties, and the public on the website maintained by the Sec-
10 retary—

11 “(1) a current listing of vendors that supply
12 commodity foods for use in the school nutrition pro-
13 grams under this Act and the Child Nutrition Act
14 of 1966 (42 U.S.C. 1771 et seq.);

15 “(2) information on the commodity food sup-
16 plied by each such vendor; and

17 “(3) any other information related to each such
18 vendor, as determined by the Secretary.”.

19 **SEC. 308. PRIVACY PROTECTION.**

20 Section 9(d)(1) of the Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1758(d)(1)) is amended—

22 (1) in the first sentence, by inserting “the last
23 4 digits of” before “the social security account num-
24 ber”; and

25 (2) by striking the second sentence.

1 **SEC. 309. FINES FOR VIOLATING PROGRAM REQUIRE-**
2 **MENTS.**

3 Section 22 of the Richard B. Russell National School
4 Lunch Act (42 U.S.C. 1769e) is amended by adding at
5 the end the following:

6 “(e) FINES FOR VIOLATING PROGRAM REQUIRE-
7 MENTS.—

8 “(1) SCHOOL FOOD AUTHORITIES AND
9 SCHOOLS.—

10 “(A) IN GENERAL.—The Secretary shall
11 establish criteria by which the Secretary or a
12 State agency may impose a fine against any
13 school food authority or school administering a
14 program authorized under this Act or the Child
15 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)
16 if the Secretary or the State agency determines
17 that the school food authority or school has—

18 “(i) failed to correct severe mis-
19 management of the program;

20 “(ii) disregarded a program require-
21 ment of which the school food authority or
22 school had been informed; or

23 “(iii) failed to correct repeated viola-
24 tions of program requirements.

25 “(B) LIMITS.—

1 “(i) IN GENERAL.—In calculating the
2 fine for a school food authority or school,
3 the Secretary shall base the amount of the
4 fine on the reimbursement earned by
5 school food authority or school for the pro-
6 gram in which the violation occurred.

7 “(ii) AMOUNT.—The amount under
8 clause (i) shall not exceed—

9 “(I) 1 percent of the amount of
10 meal reimbursements earned for the
11 fiscal year for the first finding of 1 or
12 more program violations under sub-
13 paragraph (A);

14 “(II) 5 percent of the amount of
15 meal reimbursements earned for the
16 fiscal year for the second finding of 1
17 or more program violations under sub-
18 paragraph (A); and

19 “(III) 10 percent of the amount
20 of meal reimbursements earned for
21 the fiscal year for the third or subse-
22 quent finding of 1 or more program
23 violations under subparagraph (A).

24 “(2) STATE AGENCIES.—

1 “(A) IN GENERAL.—The Secretary shall
2 establish criteria by which the Secretary may
3 impose a fine against any State agency admin-
4 istering a program authorized under this Act or
5 the Child Nutrition Act of 1966 (42 U.S.C.
6 1771 et seq.) if the Secretary determines that
7 the State agency has—

8 “(i) failed to correct severe mis-
9 management of the program;

10 “(ii) disregarded a program require-
11 ment of which the State had been in-
12 formed; or

13 “(iii) failed to correct repeated viola-
14 tions of program requirements.

15 “(B) LIMITS.—In the case of a State agen-
16 cy, the amount of a fine under subparagraph
17 (A) shall not exceed—

18 “(i) 1 percent of funds made available
19 under section 7(a) of the Child Nutrition
20 Act of 1966 (42 U.S.C. 1776(a)) for State
21 administrative expenses during a fiscal
22 year for the first finding of 1 or more pro-
23 gram violations under subparagraph (A);

24 “(ii) 5 percent of funds made avail-
25 able under section 7(a) of the Child Nutri-

1 tion Act of 1966 (42 U.S.C. 1776(a)) for
2 State administrative expenses during a fis-
3 cal year for the second finding of 1 or
4 more program violations under subpara-
5 graph (A); and

6 “(iii) 10 percent of funds made avail-
7 able under section 7(a) of the Child Nutri-
8 tion Act of 1966 (42 U.S.C. 1776(a)) for
9 State administrative expenses during a fis-
10 cal year for the third or subsequent finding
11 of 1 or more program violations under sub-
12 paragraph (A).

13 “(3) SOURCE OF FUNDING.—Funds to pay a
14 fine imposed under paragraph (1) or (2) shall be de-
15 rived from non-Federal sources.”.

16 **SEC. 310. INDEPENDENT REVIEW OF APPLICATIONS.**

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

20 “(6) ELIGIBILITY DETERMINATION REVIEW FOR
21 SELECTED LOCAL EDUCATIONAL AGENCIES.—

22 “(A) IN GENERAL.—A local educational
23 agency that has demonstrated a high level of, or
24 a high risk for, administrative error associated
25 with certification, verification, and other admin-

1 administrative processes, as determined by the Sec-
2 retary, shall ensure that the initial eligibility de-
3 termination for each application is reviewed for
4 accuracy prior to notifying a household of the
5 eligibility or ineligibility of the household for
6 free or reduced price meals.

7 “(B) TIMELINESS.—The review of initial
8 eligibility determinations—

9 “(i) shall be completed in a timely
10 manner; and

11 “(ii) shall not result in the delay of an
12 eligibility determination for more than 10
13 operating days after the date on which the
14 application is submitted.

15 “(C) ACCEPTABLE TYPES OF REVIEW.—
16 Subject to standards established by the Sec-
17 retary, the system used to review eligibility de-
18 terminations for accuracy shall be conducted by
19 an individual or entity that did not make the
20 initial eligibility determination.

21 “(D) NOTIFICATION OF HOUSEHOLD.—
22 Once the review of an eligibility determination
23 has been completed under this paragraph, the
24 household shall be notified immediately of the

1 determination of eligibility or ineligibility for
2 free or reduced price meals.

3 “(E) REPORTING.—

4 “(i) LOCAL EDUCATIONAL AGEN-
5 CIES.—In accordance with procedures es-
6 tablished by the Secretary, each local edu-
7 cational agency required to review initial
8 eligibility determinations shall submit to
9 the relevant State agency a report describ-
10 ing the results of the reviews, including—

11 “(I) the number and percentage
12 of reviewed applications for which the
13 eligibility determination was changed
14 and the type of change made; and

15 “(II) such other information as
16 the Secretary determines to be nec-
17 essary.

18 “(ii) STATE AGENCIES.—In accord-
19 ance with procedures established by the
20 Secretary, each State agency shall submit
21 to the Secretary a report describing the re-
22 sults of the reviews of initial eligibility de-
23 terminations, including—

24 “(I) the number and percentage
25 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 “(iii) TRANSPARENCY.—The Sec-
7 retary shall publish annually the results of
8 the reviews of initial eligibility determina-
9 tions by State, number, percentage, and
10 type of error.”.

11 **SEC. 311. PROGRAM EVALUATION.**

12 Section 28 of the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1769i) is amended by adding at
14 the end the following:

15 “(c) COOPERATION WITH PROGRAM RESEARCH AND
16 EVALUATION.—States, State educational agencies, local
17 educational agencies, schools, institutions, facilities, and
18 contractors participating in programs authorized under
19 this Act and the Child Nutrition Act of 1966 (42 U.S.C.
20 1771 et seq.) shall cooperate with officials and contractors
21 acting on behalf of the Secretary, in the conduct of evalua-
22 tions and studies under those Acts.”.

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

3 **SEC. 321. SUMMER FOOD SERVICE PROGRAM PERMANENT**
4 **OPERATING AGREEMENTS.**

5 Section 13(b) of the Richard B. Russell National
6 School Lunch Act (42 U.S.C. 1761(b)) is amended by
7 striking paragraph (3) and inserting the following:

8 “(3) PERMANENT OPERATING AGREEMENTS
9 AND BUDGET FOR ADMINISTRATIVE COSTS.—

10 “(A) PERMANENT OPERATING AGREE-
11 MENTS.—

12 “(i) IN GENERAL.—Subject to clauses
13 (ii) and (iii), to participate in the program,
14 a service institution that meets the condi-
15 tions of eligibility described in this section
16 and in regulations promulgated by the Sec-
17 retary, shall be required to enter into a
18 permanent agreement with the applicable
19 State agency.

20 “(ii) AMENDMENTS.—A permanent
21 agreement described in clause (i) may be
22 amended as necessary to ensure that the
23 service institution is in compliance with all
24 requirements established in this section or
25 by the Secretary.

1 “(iii) TERMINATION.—A permanent
2 agreement described in clause (i)—

3 “(I) may be terminated for con-
4 venience by the service institution and
5 State agency that is a party to the
6 permanent agreement; and

7 “(II) shall be terminated—

8 “(aa) for cause by the appli-
9 cable State agency in accordance
10 with subsection (q) and with reg-
11 ulations promulgated by the Sec-
12 retary; or

13 “(bb) on termination of par-
14 ticipation of the service institu-
15 tion in the program.

16 “(B) BUDGET FOR ADMINISTRATIVE
17 COSTS.—

18 “(i) IN GENERAL.—When applying for
19 participation in the program, and not less
20 frequently than annually thereafter, each
21 service institution shall submit a complete
22 budget for administrative costs related to
23 the program, which shall be subject to ap-
24 proval by the State.

1 “(ii) AMOUNT.—Payment to service
2 institutions for administrative costs shall
3 equal the levels determined by the Sec-
4 retary pursuant to the study required in
5 paragraph (4).”.

6 **SEC. 322. SUMMER FOOD SERVICE PROGRAM DISQUALI-**
7 **FICATION.**

8 Section 13 of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1761) is amended—

10 (1) by redesignating subsection (q) as sub-
11 section (r); and

12 (2) by inserting after subsection (p) the fol-
13 lowing:

14 “(q) TERMINATION AND DISQUALIFICATION OF PAR-
15 TICIPATING ORGANIZATIONS.—

16 “(1) IN GENERAL.—Each State agency shall
17 follow the procedures established by the Secretary
18 for the termination of participation of institutions
19 under the program.

20 “(2) FAIR HEARING.—The procedures described
21 in paragraph (1) shall include provision for a fair
22 hearing and prompt determination for any service
23 institution aggrieved by any action of the State
24 agency that affects—

1 “(A) the participation of the service insti-
2 tution in the program; or

3 “(B) the claim of the service institution for
4 reimbursement under this section.

5 “(3) LIST OF DISQUALIFIED INSTITUTIONS AND
6 INDIVIDUALS.—

7 “(A) IN GENERAL.—The Secretary shall
8 maintain a list of service institutions and indi-
9 viduals that have been terminated or otherwise
10 disqualified from participation in the program
11 under the procedures established pursuant to
12 paragraph (1).

13 “(B) AVAILABILITY.—The Secretary shall
14 make the list available to States for use in ap-
15 proving or renewing applications by service in-
16 stitutions for participation in the program.”.

17 **Subtitle C—Child and Adult Care**
18 **Food Program**

19 **SEC. 331. RENEWAL OF APPLICATION MATERIALS AND PER-**
20 **MANENT OPERATING AGREEMENTS.**

21 (a) PERMANENT OPERATING AGREEMENTS.—Sec-
22 tion 17(d)(1) of the Richard B. Russell National School
23 Lunch Act (42 U.S.C. 1766(d)(1)) is amended by adding
24 at the end the following:

1 “(E) PERMANENT OPERATING AGREE-
2 MENTS.—

3 “(i) IN GENERAL.—Subject to clauses
4 (ii) and (iii), to participate in the child and
5 adult care food program, an institution
6 that meets the conditions of eligibility de-
7 scribed in this subsection shall be required
8 to enter into a permanent agreement with
9 the applicable State agency.

10 “(ii) AMENDMENTS.—A permanent
11 agreement described in clause (i) may be
12 amended as necessary to ensure that the
13 institution is in compliance with all re-
14 quirements established in this section or by
15 the Secretary.

16 “(iii) TERMINATION.—A permanent
17 agreement described in clause (i)—

18 “(I) may be terminated for con-
19 venience by the institution or State
20 agency that is a party to the perma-
21 nent agreement; and

22 “(II) shall be terminated—

23 “(aa) for cause by the appli-
24 cable State agency in accordance
25 with paragraph (5); or

1 “(bb) on termination of par-
2 ticipation of the institution in the
3 child and adult care food pro-
4 gram.”.

5 (b) APPLICATIONS AND REVIEWS.—Section 17(d) of
6 the Richard B. Russell National School Lunch Act (42
7 U.S.C. 1766(d)) is amended by striking paragraph (2) and
8 inserting the following:

9 “(2) PROGRAM APPLICATIONS.—

10 “(A) IN GENERAL.—The Secretary shall
11 develop a policy under which each institution
12 providing child care that participates in the
13 program under this section shall—

14 “(i) submit to the State agency an ini-
15 tial application to participate in the pro-
16 gram that meets all requirements estab-
17 lished by the Secretary by regulation;

18 “(ii) annually confirm to the State
19 agency that the institution, and any facili-
20 ties of the institution in which the program
21 is operated by a sponsoring organization, is
22 in compliance with subsection (a)(5); and

23 “(iii) annually submit to the State
24 agency any additional information nec-
25 essary to confirm that the institution is in

1 compliance with all other requirements to
2 participate in the program, as established
3 in this Act and by the Secretary by regula-
4 tion.

5 “(B) REQUIRED REVIEWS OF SPONSORED
6 FACILITIES.—

7 “(i) IN GENERAL.—The Secretary
8 shall develop a policy under which each
9 sponsoring organization participating in
10 the program under this section shall con-
11 duct—

12 “(I) periodic unannounced site
13 visits at not less than 3-year intervals
14 to sponsored child and adult care cen-
15 ters and family or group day care
16 homes to identify and prevent man-
17 agement deficiencies and fraud and
18 abuse under the program; and

19 “(II) at least 1 scheduled site
20 visit each year to sponsored child and
21 adult care centers and family or group
22 day care homes to identify and pre-
23 vent management deficiencies and
24 fraud and abuse under the program
25 and to improve program operations.

1 “(ii) VARIED TIMING.—Sponsoring or-
2 ganizations shall vary the timing of unan-
3 nounced reviews under clause (i)(I) in a
4 manner that makes the reviews unpredict-
5 able to sponsored facilities.

6 “(C) REQUIRED REVIEWS OF INSTITU-
7 TIONS.—The Secretary shall develop a policy
8 under which each State agency shall conduct—

9 “(i) at least 1 scheduled site visit at
10 not less than 3-year intervals to each insti-
11 tution under the State agency participating
12 in the program under this section—

13 “(I) to identify and prevent man-
14 agement deficiencies and fraud and
15 abuse under the program; and

16 “(II) to improve program oper-
17 ations; and

18 “(ii) more frequent reviews of any in-
19 stitution that—

20 “(I) sponsors a significant share
21 of the facilities participating in the
22 program;

23 “(II) conducts activities other
24 than the program authorized under
25 this section;

1 “(III) has serious management
2 problems, as identified in a prior re-
3 view, or is at risk of having serious
4 management problems; or

5 “(IV) meets such other criteria
6 as are defined by the Secretary.

7 “(D) DETECTION AND DETERRENCE OF
8 ERRONEOUS PAYMENTS AND FALSE CLAIMS.—

9 “(i) IN GENERAL.—The Secretary
10 may develop a policy to detect and deter,
11 and recover erroneous payments to, and
12 false claims submitted by, institutions,
13 sponsored child and adult care centers, and
14 family or group day care homes partici-
15 pating in the program under this section.

16 “(ii) BLOCK CLAIMS.—

17 “(I) DEFINITION OF BLOCK
18 CLAIM.—In this clause, the term block
19 claim has the meaning given the term
20 in section 226.2 of title 7, Code of
21 Federal Regulations (or successor reg-
22 ulations).

23 “(II) PROGRAM EDIT CHECKS.—

24 The Secretary may not require any
25 State agency, sponsoring organization,

1 or other institution to perform edit
 2 checks or on-site reviews relating to
 3 the detection of block claims by any
 4 child care facility.

5 “(III) ALLOWANCE.—Notwith-
 6 standing subclause (II), the Secretary
 7 may require any State agency, spon-
 8 soring organization, or other institu-
 9 tion to collect, store, and transmit to
 10 the appropriate entity information
 11 necessary to develop any other policy
 12 developed under clause (i).”

13 (c) AGREEMENTS.—Section 17(j)(1) of the Richard
 14 B. Russell National School Lunch Act (42 U.S.C.
 15 1766(j)(1)) is amended—

- 16 (1) by striking “may” and inserting “shall”;
- 17 (2) by striking “family or group day care” the
 18 first place it appears; and
- 19 (3) by inserting “or sponsored day care cen-
 20 ters” before “participating”.

21 **SEC. 332. STATE LIABILITY FOR PAYMENTS TO AGGRIEVED**
 22 **CHILD CARE INSTITUTIONS.**

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

1 (1) in paragraph (3), by striking “(3) If a
2 State” and inserting the following:

3 “(5) SECRETARIAL HEARING.—If a State”; and

4 (2) by striking “(e) Except as provided” and all
5 that follows through “(2) A State” and inserting the
6 following:

7 “(e) HEARINGS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (4), each State agency shall provide, in ac-
10 cordance with regulations promulgated by the Sec-
11 retary, an opportunity for a fair hearing and a
12 prompt determination to any institution aggrieved
13 by any action of the State agency that affects—

14 “(A) the participation of the institution in
15 the program authorized by this section; or

16 “(B) the claim of the institution for reim-
17 bursement under this section.

18 “(2) REIMBURSEMENT.—In accordance with
19 paragraph (3), a State agency that fails to meet
20 timeframes for providing an opportunity for a fair
21 hearing and a prompt determination to any institu-
22 tion under paragraph (1) in accordance with regula-
23 tions promulgated by the Secretary, shall pay, from
24 non-Federal sources, all valid claims for reimburse-
25 ment to the institution and the facilities of the insti-

1 tution during the period beginning on the day after
2 the end of any regulatory deadline for providing the
3 opportunity and making the determination and end-
4 ing on the date on which a hearing determination is
5 made.

6 “(3) NOTICE TO STATE AGENCY.—The Sec-
7 retary shall provide written notice to a State agency
8 at least 30 days prior to imposing any liability for
9 reimbursement under paragraph (2).

10 “(4) FEDERAL AUDIT DETERMINATION.—A
11 State”.

12 **SEC. 333. APPLICATION SUBMISSION BY SPONSORED FAM-**
13 **ILY OR GROUP DAY CARE HOMES.**

14 Section 17(f)(3)(A)(iii)(III) of the Richard B. Russell
15 National School Lunch Act (42 U.S.C.
16 1766(f)(3)(A)(iii)(III)) is amended by adding at the end
17 the following:

18 “(dd) APPLICATION SUBMIS-
19 SION.—If a family or group day
20 care home elects to be provided
21 reimbursement factors described
22 in subclause (II), the family or
23 group day care home may assist
24 in the transmission of necessary
25 household income information to

1 the family or group day care
2 home sponsoring organization in
3 accordance with the policy de-
4 scribed in item (ee).

5 “(ee) POLICY.—The Sec-
6 retary shall develop a policy
7 under which a sponsored family
8 or group day care home described
9 in item (dd) may, under terms
10 and conditions specified by the
11 Secretary and with the written
12 consent of the parents or guard-
13 ians of a child in a family or
14 group day care home partici-
15 pating in the program, assist in
16 the transmission of the income
17 information of the family to the
18 family or group day care home
19 sponsoring organization.”.

20 **SEC. 334. ADMINISTRATIVE PAYMENTS TO SPONSORING**
21 **ORGANIZATIONS.**

22 Section 17(f)(3)(B) of the Richard B. Russell Na-
23 tional School Lunch Act (42 U.S.C. 1766(f)(3)(B)) is
24 amended to read as follows:

1 “(B) ADMINISTRATIVE REIMBURSE-
2 MENTS.—

3 “(i) IN GENERAL.—In addition to re-
4 imbursement provided under subparagraph
5 (A), family or group day care home spon-
6 soring organizations shall receive reim-
7 bursement for the administrative expenses
8 in amounts not less than the sum of the
9 product obtained by multiplying—

10 “(I) the number of family and
11 group day care homes of the spon-
12 soring organization submitting a claim
13 for reimbursement in each month; by

14 “(II) the administrative reim-
15 bursement rate prescribed by the Sec-
16 retary.

17 “(ii) ADMINISTRATIVE REIMBURSE-
18 MENT RATE.—Effective July 1, 2011, the
19 Secretary shall increase the administrative
20 reimbursement rate prescribed by the Sec-
21 retary under clause (i)(II) by \$5 for each
22 family and group day care home of the
23 sponsoring organization submitting a claim
24 for reimbursement.

1 “(iii) ANNUAL ADJUSTMENT.—The re-
2 imbursement levels specified in clause (i)
3 shall be adjusted July 1 of each year to re-
4 flect changes in the Consumer Price Index
5 for All Urban Consumers published by the
6 Bureau of Labor Statistics of the Depart-
7 ment of Labor for all items for the most
8 recent 12-month period for which data are
9 available.

10 “(iv) CARRYOVER FUNDS.—The Sec-
11 retary shall develop procedures under
12 which not more than 10 percent of the
13 amount made available to sponsoring orga-
14 nizations for a fiscal year under this sec-
15 tion for administrative expenses for a fiscal
16 year may remain available to such organi-
17 zations for obligation or expenditure for
18 the succeeding fiscal year for such pur-
19 pose.”.

20 **SEC. 335. CHILD AND ADULT CARE FOOD PROGRAM AUDIT**
21 **FUNDING.**

22 Section 17(i) of the Richard B. Russell National
23 School Lunch Act (42 U.S.C. 1766(i)) is amended by
24 striking paragraph (2) and inserting the following:

25 “(2) FUNDING.—

1 “(A) IN GENERAL.—The Secretary shall
2 make available for each fiscal year to each
3 State agency administering the child and adult
4 care food program, for the purpose of con-
5 ducting audits of participating institutions, an
6 amount of up to 1.5 percent of the funds used
7 by each State in the program under this sec-
8 tion, during the second preceding fiscal year.

9 “(B) ADDITIONAL FUNDING.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), for fiscal year 2016 and each fiscal
12 year thereafter, the Secretary may increase
13 the amount of funds made available to any
14 State agency under subparagraph (A), if
15 the State agency demonstrates that the
16 State agency can effectively use the funds
17 to improve program management under
18 criteria established by the Secretary.

19 “(ii) LIMITATION.—The total amount
20 of funds made available to any State agen-
21 cy under this paragraph shall not exceed 2
22 percent of the funds used by each State
23 agency in the program under this section,
24 during the second preceding fiscal year.”.

1 **SEC. 336. REDUCING PAPERWORK AND IMPROVING PRO-**
2 **GRAM ADMINISTRATION.**

3 Section 17 of the Richard B. Russell National School
4 Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding
5 at the end the following:

6 “(u) REDUCING PAPERWORK AND IMPROVING PRO-
7 GRAM ADMINISTRATION.—

8 “(1) ESTABLISHMENT.—The Secretary, in con-
9 junction with States and participating institutions,
10 shall continue to examine the feasibility of reducing
11 unnecessary or duplicative paperwork resulting from
12 regulations and recordkeeping requirements for
13 State agencies, institutions, family and group day
14 care homes, and sponsored centers participating in
15 the program

16 “(2) DUTIES.—At a minimum, the examination
17 shall include—

18 “(A) review and evaluation of the rec-
19 ommendations, guidance, and regulatory prior-
20 ities developed and issued to comply with sec-
21 tion 119(i) of the Child Nutrition and WIC Re-
22 authorization Act of 2004 (42 U.S.C. 1766
23 note; Public Law 108–265);

24 “(B) examination of additional paperwork
25 and administrative requirements that have been

1 established since February 23, 2007, that could
2 be reduced or simplified; and

3 “(C) examination of any other aspect re-
4 garding the administration of the program, as
5 determined by the Secretary.

6 “(3) REPORT.—Not later than 4 years after the
7 date of enactment of this Act, the Secretary shall
8 submit to the Committee on Education and Labor of
9 the House of Representatives and the Committee on
10 Agriculture, Nutrition, and Forestry of the Senate a
11 report that describes the actions that have been
12 taken to carry out this section, including—

13 “(A) actions taken to address administra-
14 tive and paperwork burdens identified as a re-
15 sult of compliance with section 119(i) of the
16 Child Nutrition and WIC Reauthorization Act
17 of 2004 (42 U.S.C. 1766 note; Public Law
18 108–265);

19 “(B) administrative and paperwork bur-
20 dens identified as a result of compliance with
21 section 119(i) of that Act for which no regu-
22 latory action or policy guidance has been taken;

23 “(C) additional steps that the Secretary is
24 taking or plans to take to address any adminis-
25 trative and paperwork burdens identified under

1 paragraph (2)(B) and subparagraph (B), in-
2 cluding—

3 “(i) new or updated regulations, pol-
4 icy, guidance, or technical assistance; and

5 “(ii) a timeframe for the completion
6 of those steps; and

7 “(D) recommendations to Congress for
8 modifications to existing statutory authorities
9 needed to address identified administrative and
10 paperwork burdens.”.

11 **Subtitle D—Special Supplemental**
12 **Nutrition Program for Women,**
13 **Infants, and Children**

14 **SEC. 351. SHARING OF MATERIALS WITH OTHER PRO-**
15 **GRAMS.**

16 Section 17(e)(3) of the Child Nutrition Act (42
17 U.S.C. 1786(e)(3)) is amended by striking subparagraph
18 (B) and inserting the following:

19 “(B) SHARING OF MATERIALS WITH
20 OTHER PROGRAMS.—

21 “(i) COMMODITY SUPPLEMENTAL
22 FOOD PROGRAM.—The Secretary may pro-
23 vide, in bulk quantity, nutrition education
24 materials (including materials promoting
25 breastfeeding) developed with funds made

1 available for the program authorized under
2 this section to State agencies administering
3 the commodity supplemental food program
4 established under section 5 of the Agri-
5 culture and Consumer Protection Act of
6 1973 (7 U.S.C. 612c note; Public Law 93-
7 86) at no cost to that program.

8 “(ii) CHILD AND ADULT CARE FOOD
9 PROGRAM.—A State agency may allow the
10 local agencies or clinics under the State
11 agency to share nutrition educational ma-
12 terials with institutions participating in the
13 child and adult care food program estab-
14 lished under section 17 of the Richard B.
15 Russell National School Lunch Act (42
16 U.S.C. 1766) at no cost to that program,
17 if a written materials sharing agreement
18 exists between the relevant agencies.”.

19 **SEC. 352. WIC PROGRAM MANAGEMENT.**

20 (a) WIC EVALUATION FUNDS.—Section 17(g)(5) of
21 the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5))
22 is amended by striking “\$5,000,000” and inserting
23 “\$15,000,000”.

1 (b) WIC REBATE PAYMENTS.—Section 17(h)(8) of
2 the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8))
3 is amended by adding at the end the following:

4 “(K) REPORTING.—Effective beginning
5 October 1, 2011, each State agency shall report
6 rebate payments received from manufacturers
7 in the month in which the payments are re-
8 ceived, rather than in the month in which the
9 payments were earned.”.

10 (c) COST CONTAINMENT MEASURE.—Section 17(h)
11 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h))
12 is amended—

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

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

18 “(9) COST CONTAINMENT MEASURE.—

19 “(A) DEFINITION OF COST CONTAINMENT
20 MEASURE.—In this subsection, the term cost
21 containment measure means a competitive bid-
22 ding, rebate, direct distribution, or home deliv-
23 ery system implemented by a State agency as
24 described in the approved State plan of oper-
25 ation and administration of the State agency.

1 “(B) SOLICITATION AND REBATE BILLING
2 REQUIREMENTS.—Any State agency instituting
3 a cost containment measure for any authorized
4 food, including infant formula, shall—

5 “(i) in the bid solicitation—

6 “(I) identify the composition of
7 State alliances for the purposes of a
8 cost containment measure; and

9 “(II) verify that no additional
10 States shall be added to the State alli-
11 ance between the date of the bid solie-
12 itation and the end of the contract;

13 “(ii) have a system to ensure that re-
14 bate invoices under competitive bidding
15 provide a reasonable estimate or an actual
16 count of the number of units sold to par-
17 ticipants in the program under this sec-
18 tion;

19 “(iii) open and read aloud all bids at
20 a public proceeding on the day on which
21 the bids are due; and

22 “(iv) unless otherwise exempted by
23 the Secretary, provide a minimum of 30
24 days between the publication of the solici-

1 tation and the date on which the bids are
2 due.

3 “(C) STATE ALLIANCES FOR AUTHORIZED
4 FOODS OTHER THAN INFANT FORMULA.—Pro-
5 gram requirements relating to the size of State
6 alliances under paragraph (8)(A)(iv) shall apply
7 to cost containment measures established for
8 any authorized food under this section.”.

9 (d) ELECTRONIC BENEFIT TRANSFER.—Section
10 17(h) of the Child Nutrition Act of 1966 (42 U.S.C.
11 1786(h)) is amended by striking paragraph (12) and in-
12 serting the following:

13 “(12) ELECTRONIC BENEFIT TRANSFER.—

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

15 “(i) ELECTRONIC BENEFIT TRANS-
16 FER.—The term electronic benefit transfer
17 means a food delivery system that provides
18 benefits using a card or other access device
19 approved by the Secretary that permits
20 electronic access to program benefits.

21 “(ii) PROGRAM.—The term program
22 means the special supplemental nutrition
23 program established by this section.

24 “(B) REQUIREMENTS.—

1 “(i) IN GENERAL.—Not later than Oc-
2 tober 1, 2020, each State agency shall be
3 required to implement electronic benefit
4 transfer systems throughout the State, un-
5 less the Secretary grants an exemption
6 under subparagraph (C) for a State agency
7 that is facing unusual barriers to imple-
8 ment an electronic benefit transfer system.

9 “(ii) RESPONSIBILITY.—The State
10 agency shall be responsible for the coordi-
11 nation and management of the electronic
12 benefit transfer system of the agency.

13 “(C) EXEMPTIONS.—

14 “(i) IN GENERAL.—To be eligible for
15 an exemption from the statewide imple-
16 mentation requirements of subparagraph
17 (B)(i), a State agency shall demonstrate to
18 the satisfaction of the Secretary 1 or more
19 of the following:

20 “(I) There are unusual techno-
21 logical barriers to implementation.

22 “(II) Operational costs are not
23 affordable within the nutrition serv-
24 ices and administration grant of the
25 State agency.

1 “(III) It is in the best interest of
2 the program to grant the exemption.

3 “(ii) SPECIFIC DATE.—A State agency
4 requesting an exemption under clause (i)
5 shall specify a date by which the State
6 agency anticipates statewide implementa-
7 tion described in subparagraph (B)(i).

8 “(D) REPORTING.—

9 “(i) IN GENERAL.—Each State agency
10 shall submit to the Secretary electronic
11 benefit transfer project status reports to
12 demonstrate the progress of the State to-
13 ward statewide implementation.

14 “(ii) CONSULTATION.—If a State
15 agency plans to incorporate additional pro-
16 grams in the electronic benefit transfer
17 system of the State, the State agency shall
18 consult with the State agency officials re-
19 sponsible for administering the programs
20 prior to submitting the planning docu-
21 ments to the Secretary for approval.

22 “(iii) REQUIREMENTS.—At a min-
23 imum, a status report submitted under
24 clause (i) shall contain—

1 “(I) an annual outline of the
2 electronic benefit transfer implemen-
3 tation goals and objectives of the
4 State;

5 “(II) appropriate updates in ac-
6 cordance with approval requirements
7 for active electronic benefit transfer
8 State agencies; and

9 “(III) such other information as
10 the Secretary may require.

11 “(E) IMPOSITION OF COSTS ON VEN-
12 DORS.—

13 “(i) COST PROHIBITION.—Except as
14 otherwise provided in this paragraph, the
15 Secretary may not impose, or allow a State
16 agency to impose, the costs of any equip-
17 ment or system required for electronic ben-
18 efit transfers on any authorized vendor in
19 order to transact electronic benefit trans-
20 fers if the vendor equipment or system is
21 used solely to support the program.

22 “(ii) COST-SHARING.—The Secretary
23 shall establish criteria for cost-sharing by
24 State agencies and vendors of costs associ-
25 ated with any equipment or system that is

1 not solely dedicated to transacting elec-
2 tronic benefit transfers for the program.

3 “(iii) FEES.—

4 “(I) IN GENERAL.—A vendor
5 that elects to accept electronic benefit
6 transfers using multifunction equip-
7 ment shall pay commercial transaction
8 processing costs and fees imposed by
9 a third-party processor that the ven-
10 dor elects to use to connect to the
11 electronic benefit transfer system of
12 the State.

13 “(II) INTERCHANGE FEES.—No
14 interchange fees shall apply to elec-
15 tronic benefit transfer transactions
16 under this paragraph.

17 “(iv) STATEWIDE OPERATIONS.—
18 After completion of statewide expansion of
19 a system for transaction of electronic ben-
20 efit transfers—

21 “(I) a State agency may not be
22 required to incur ongoing mainte-
23 nance costs for vendors using multi-
24 function systems and equipment to

1 support electronic benefit transfers;
2 and

3 “(II) any retail store in the State
4 that applies for authorization to be-
5 come a program vendor shall be re-
6 quired to demonstrate the capability
7 to accept program benefits electroni-
8 cally prior to authorization, unless the
9 State agency determines that the ven-
10 dor is necessary for participant ac-
11 cess.

12 “(F) MINIMUM LANE COVERAGE.—

13 “(i) IN GENERAL.—The Secretary
14 shall establish minimum lane coverage
15 guidelines for vendor equipment and sys-
16 tems used to support electronic benefit
17 transfers.

18 “(ii) PROVISION OF EQUIPMENT.—If
19 a vendor does not elect to accept electronic
20 benefit transfers using its own multi-
21 function equipment, the State agency shall
22 provide such equipment as is necessary to
23 solely support the program to meet the es-
24 tablished minimum lane coverage guide-
25 lines.

1 “(G) TECHNICAL STANDARDS.—The Sec-
2 retary shall—

3 “(i) establish technical standards and
4 operating rules for electronic benefit trans-
5 fer systems; and

6 “(ii) require each State agency, con-
7 tractor, and authorized vendor partici-
8 pating in the program to demonstrate com-
9 pliance with the technical standards and
10 operating rules.”.

11 (e) UNIVERSAL PRODUCT CODES DATABASE.—Sec-
12 tion 17(h) of the Child Nutrition Act of 1966 (42 U.S.C.
13 1786(h)) is amended by striking paragraph (13) and in-
14 serting the following:

15 “(13) UNIVERSAL PRODUCT CODES DATA-
16 BASE.—

17 “(A) IN GENERAL.—Not later than 2 years
18 after the date of enactment of the Improving
19 Nutrition for America’s Children Act, the Sec-
20 retary shall establish a national universal prod-
21 uct code database to be used by all State agen-
22 cies in carrying out the requirements of para-
23 graph (12).

24 “(B) FUNDING.—

1 “(i) IN GENERAL.—On October 1,
2 2010, and on each October 1 thereafter,
3 out of any funds in the Treasury not oth-
4 erwise appropriated, the Secretary of the
5 Treasury shall transfer to the Secretary to
6 carry out this paragraph \$1,000,000, to
7 remain available until expended.

8 “(ii) RECEIPT AND ACCEPTANCE.—
9 The Secretary shall be entitled to receive,
10 shall accept, and shall use to carry out this
11 paragraph the funds transferred under
12 clause (i), without further appropriation.

13 “(iii) USE OF FUNDS.—The Secretary
14 shall use the funds provided under clause
15 (i) for development, hosting, hardware and
16 software configuration, and support of the
17 database required under subparagraph
18 (A).”.

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

22 “(8) TEMPORARY SPENDING AUTHORITY.—
23 During each of fiscal years 2012 and 2013, the Sec-
24 retary may authorize a State agency to expend more
25 than the amount otherwise authorized under para-

1 graph (3)(C) for expenses incurred under this sec-
2 tion for supplemental foods during the preceding fis-
3 cal year, if the Secretary determines that—

4 “(A) there has been a significant reduction
5 in reported infant formula cost containment
6 savings for the preceding fiscal year due to the
7 implementation of subsection (h)(8)(K); and

8 “(B) the reduction would affect the ability
9 of the State agency to serve all eligible partici-
10 pants.”.

11 **Subtitle E—Miscellaneous**

12 **SEC. 361. FULL USE OF FEDERAL FUNDS.**

13 Section 12 of the Richard B. Russell National School
14 Lunch Act (42 U.S.C. 1760) (as amended by section 242)
15 is further amended by striking subsection (b) and insert-
16 ing the following:

17 “(b) AGREEMENTS.—

18 “(1) IN GENERAL.—The Secretary shall incor-
19 porate, in the agreement of the Secretary with the
20 State agencies administering programs authorized
21 under this Act or the Child Nutrition Act of 1966
22 (42 U.S.C. 1771 et seq.), the express requirements
23 with respect to the operation of the programs to the
24 extent applicable and such other provisions as in the
25 opinion of the Secretary are reasonably necessary or

1 appropriate to effectuate the purposes of this Act
2 and the Child Nutrition Act of 1966 (42 U.S.C.
3 1771 et seq.).

4 “(2) EXPECTATIONS FOR USE OF FUNDS.—
5 Agreements described in paragraph (1) shall include
6 a provision that—

7 “(A) supports full use of Federal funds
8 provided to State agencies for the administra-
9 tion of programs authorized under this Act or
10 the Child Nutrition Act of 1966 (42 U.S.C.
11 1771 et seq.); and

12 “(B) excludes the Federal funds from
13 State budget restrictions or limitations includ-
14 ing, at a minimum—

15 “(i) hiring freezes;

16 “(ii) work furloughs; and

17 “(iii) travel restrictions.”.

18 **SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND IN-**
19 **DIVIDUALS.**

20 Section 12 of the Richard B. Russell National School
21 Lunch Act (42 U.S.C. 1760) (as amended by section 361)
22 is further amended by adding at the end the following:

23 “(r) DISQUALIFIED SCHOOLS, INSTITUTIONS, AND
24 INDIVIDUALS.—Any school, institution, service institution,
25 facility, or individual that has been terminated from any

1 program authorized under this Act or the Child Nutrition
2 Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of
3 disqualified institutions and individuals under section 13
4 or section 17(d)(5)(E) of this Act may not be approved
5 to participate in or administer any program authorized
6 under this Act or the Child Nutrition Act of 1966 (42
7 U.S.C. 1771 et seq.).”.

8 **TITLE IV—MISCELLANEOUS**
9 **Subtitle A—Reauthorization of**
10 **Expiring Provisions**

11 **PART 1—RICHARD B. RUSSELL NATIONAL**
12 **SCHOOL LUNCH ACT**

13 **SEC. 401. COMMODITY SUPPORT.**

14 Section 6(e)(1)(B) of the Richard B. Russell National
15 School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended
16 by striking “September 30, 2010” and inserting “Sep-
17 tember 30, 2020”.

18 **SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.**

19 Section 9(h) of the Richard B. Russell National
20 School Lunch Act (42 U.S.C. 1758(h)) is amended—

21 (1) in paragraph (3), by striking “2006
22 through 2010” and inserting “2011 through 2015”;
23 and

24 (2) in paragraph (4), by striking “2006
25 through 2010” and inserting “2011 through 2015”.

1 **SEC. 403. 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. 404. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.**

8 Section 18 of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1769) is amended by striking sub-
10 section (j) (as redesignated by section 208(1)).

11 **SEC. 405. TRAINING, TECHNICAL ASSISTANCE, AND FOOD**
12 **SERVICE MANAGEMENT INSTITUTE.**

13 Section 21(e) of the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1769b–1(e)) is amended—

15 (1) by striking “(e) AUTHORIZATION OF AP-
16 PROPRIATIONS” and all that follows through the end
17 of paragraph (2)(A) and inserting the following:

18 “(e) FOOD SERVICE MANAGEMENT INSTITUTE.—

19 “(1) FUNDING.—

20 “(A) IN GENERAL.—In addition to any
21 amounts otherwise made available for fiscal
22 year 2011, on October 1, 2010, and each Octo-
23 ber 1 thereafter, out of any funds in the Treas-
24 ury not otherwise appropriated, the Secretary of
25 the Treasury shall transfer to the Secretary to

1 carry out subsection (a)(2) \$5,000,000, to re-
2 main available until expended.

3 “(B) RECEIPT AND ACCEPTANCE.—The
4 Secretary shall be entitled to receive, shall ac-
5 cept, and shall use to carry out subsection
6 (a)(2) the funds transferred under subpara-
7 graph (A), without further appropriation.”;

8 (2) by redesignating subparagraphs (B) and
9 (C) as paragraphs (2) and (3), respectively, and in-
10 denting appropriately;

11 (3) in paragraph (2) (as so redesignated), by
12 striking “subparagraph (A)” each place it appears
13 and inserting “paragraph (1)”; and

14 (4) in paragraph (3) (as so redesignated), by
15 striking “subparagraphs (A) and (B)” and inserting
16 “paragraphs (1) and (2)”.

17 **SEC. 406. FEDERAL ADMINISTRATIVE SUPPORT.**

18 Section 21(g)(1)(A) of the Richard B. Russell Na-
19 tional School Lunch Act (42 U.S.C. 1769b–1(g)(1)(A)) is
20 amended—

21 (1) in clause (i), by striking “and” at the end;

22 (2) in clause (ii), by striking the period at the
23 end and inserting “; and”; and

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

1 “(iii) on October 1, 2010, and each
2 October 1 thereafter, \$4,000,000.”.

3 **SEC. 407. 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. 408. 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 “\$250,000 for each of fiscal
13 years 2005 through 2009” and inserting “\$1,000,000 for
14 each of fiscal years 2010 through 2015”.

15 **PART 2—CHILD NUTRITION ACT OF 1966**

16 **SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.**

17 Section 7(i)(4) of the Child Nutrition Act of 1966
18 (42 U.S.C. 1776(i)(4)) is amended by striking “2005
19 through 2009” and inserting “2010 through 2015”.

20 **SEC. 422. STATE ADMINISTRATIVE EXPENSES.**

21 Section 7(j) of the Child Nutrition Act of 1966 (42
22 U.S.C. 1776(j)) is amended by striking “October 1, 2009”
23 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) (as amended by section 362) is further
8 amended by striking subsection (k).

9 (5) SUMMER FOOD SERVICE PROGRAM FOR
10 CHILDREN.—

11 (A) IN GENERAL.—Section 13 of the Rich-
12 ard B. Russell National School Lunch Act (42
13 U.S.C. 1761) is amended by striking the section
14 heading and all that follows through the end of
15 subsection (a)(1) and inserting the following:

16 **“SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHIL-**
17 **DREN.**

18 “(a) IN GENERAL.—

19 “(1) DEFINITIONS.—In this section:

20 “(A) AREA IN WHICH POOR ECONOMIC
21 CONDITIONS EXIST.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), the term area in which poor economic
24 conditions exist, as the term relates to an

1 area in which a program food service site
2 is located, means—

3 “(I) the attendance area of a
4 school in which at least 50 percent of
5 the enrolled children have been deter-
6 mined eligible for free or reduced
7 price school meals under this Act and
8 the Child Nutrition Act of 1966 (42
9 U.S.C. 1771 et seq.);

10 “(II) a geographic area, as de-
11 fined by the Secretary based on the
12 most recent census data available, in
13 which at least 50 percent of the chil-
14 dren residing in that area are eligible
15 for free or reduced price school meals
16 under this Act and the Child Nutri-
17 tion Act of 1966 (42 U.S.C. 1771 et
18 seq.);

19 “(III) an area—

20 “(aa) for which the program
21 food service site documents the
22 eligibility of enrolled children
23 through the collection of income
24 eligibility statements from the

1 families of enrolled children or
2 other means; and

3 “(bb) at least 50 percent of
4 the children enrolled at the pro-
5 gram food service site meet the
6 income standards for free or re-
7 duced price school meals under
8 this Act and the Child Nutrition
9 Act of 1966 (42 U.S.C. 1771 et
10 seq.);

11 “(IV) a geographic area, as de-
12 fined by the Secretary based on infor-
13 mation provided from a department of
14 welfare or zoning commission, in
15 which at least 50 percent of the chil-
16 dren residing in that area are eligible
17 for free or reduced price school meals
18 under this Act and the Child Nutri-
19 tion Act of 1966 (42 U.S.C. 1771 et
20 seq.); or

21 “(V) an area for which the pro-
22 gram food service site demonstrates
23 through other means approved by the
24 Secretary that at least 50 percent of
25 the children enrolled at the program

1 food service site are eligible for free or
2 reduced price school meals under this
3 Act and the Child Nutrition Act of
4 1966 (42 U.S.C. 1771 et seq.).

5 “(ii) DURATION OF DETERMINA-
6 TION.—A determination that an area is an
7 area in which poor economic conditions
8 exist under clause (i) shall be in effect
9 for—

10 “(I) in the case of an area de-
11 scribed in clause (i)(I), 5 years;

12 “(II) in the case of an area de-
13 scribed in clause (i)(II), until more re-
14 cent census data are available;

15 “(III) in the case of an area de-
16 scribed in clause (i)(III), 1 year; and

17 “(IV) in the case of an area de-
18 scribed in subclause (IV) or (V) of
19 clause (i), a period of time to be de-
20 termined by the Secretary, but not
21 less than 1 year.

22 “(B) CHILDREN.—The term children
23 means—

24 “(i) individuals who are 18 years of
25 age and under; and

1 “(ii) individuals who are older than 18
2 years of age who are—

3 “(I) determined by a State edu-
4 cational agency or a local public edu-
5 cational agency of a State, in accord-
6 ance with regulations promulgated by
7 the Secretary, to have a disability;
8 and

9 “(II) participating in a public or
10 nonprofit private school program es-
11 tablished for individuals who have a
12 disability.

13 “(C) PROGRAM.—The term program
14 means the summer food service program for
15 children authorized by this section.

16 “(D) SERVICE INSTITUTION.—The term
17 service institution means a public or private
18 nonprofit school food authority, local, munic-
19 ipal, or county government, public or private
20 nonprofit higher education institution partici-
21 pating in the National Youth Sports Program,
22 or residential public or private nonprofit sum-
23 mer camp, that develops special summer or
24 school vacation programs providing food service
25 similar to food service made available to chil-

1 dren during the school year under the school
2 lunch program under this Act or the school
3 breakfast program under the Child Nutrition
4 Act of 1966 (42 U.S.C. 1771 et seq.).

5 “(E) STATE.—The term ‘State’ means—

6 “(i) each of the several States of the
7 United States;

8 “(ii) the District of Columbia;

9 “(iii) the Commonwealth of Puerto
10 Rico;

11 “(iv) Guam;

12 “(v) American Samoa;

13 “(vi) the Commonwealth of the North-
14 ern Mariana Islands; and

15 “(vii) the United States Virgin Is-
16 lands.”.

17 (B) CONFORMING AMENDMENTS.—Section
18 13(a) of the Richard B. Russell National School
19 Lunch Act (42 U.S.C. 1761(a)) (as amended by
20 section 113) is further amended—

21 (i) in paragraph (2)—

22 (I) by striking “(2) To the max-
23 imum extent feasible,” and inserting
24 the following:

25 “(2) PROGRAM AUTHORIZATION.—

1 “(A) IN GENERAL.—The Secretary may
2 carry out a program to assist States, through
3 grants-in-aid and other means, to initiate and
4 maintain nonprofit summer food service pro-
5 grams for children in service institutions.

6 “(B) PREPARATION OF FOOD.—

7 “(i) IN GENERAL.—To the maximum
8 extent feasible,”; and

9 (II) by striking “The Secretary
10 shall” and inserting the following:

11 “(ii) INFORMATION AND TECHNICAL
12 ASSISTANCE.—The Secretary shall”;

13 (ii) in paragraph (3)—

14 (I) by striking “(3) Eligible serv-
15 ice institutions” and inserting the fol-
16 lowing:

17 “(3) ELIGIBLE SERVICE INSTITUTIONS.—Eligi-
18 ble service institutions”;

19 (II) by indenting subparagraphs

20 (A) through (D) appropriately;

21 (iii) in paragraph (4)—

22 (I) by redesignating subpara-
23 graphs (A) through (D) as clauses (i)
24 through (iv), respectively, and indent-
25 ing appropriately;

1 (II) by striking “(4) The fol-
2 lowing” and inserting the following:

3 “(4) PRIORITY.—

4 “(A) IN GENERAL.—The following”; and

5 (III) by striking “The Secretary
6 and the States” and inserting the fol-
7 lowing:

8 “(B) RURAL AREAS.—The Secretary and
9 the States”;

10 (iv) by striking “(5) Camps” and in-
11 sserting the following:

12 “(5) CAMPS.—Camps”; and

13 (v) by striking “(6) Service institu-
14 tions” and inserting the following:

15 “(6) GOVERNMENT INSTITUTIONS.—Service in-
16 stitutions”.

17 (6) REPORT ON IMPACT OF PROCEDURES TO
18 SECURE STATE SCHOOL INPUT ON COMMODITY SE-
19 LECTION.—Section 14(d) of the Richard B. Russell
20 National School Lunch Act (42 U.S.C. 1762a(d)) is
21 amended by striking the matter that follows para-
22 graph (5).

23 (7) RURAL AREA DAY CARE HOME PILOT PRO-
24 GRAM.—Section 17 of the Richard B. Russell Na-

1 tional School Lunch Act (42 U.S.C. 1766) is amend-
2 ed by striking subsection (p).

3 (8) CHILD AND ADULT CARE FOOD PROGRAM
4 TRAINING AND TECHNICAL ASSISTANCE.—Section
5 17(q) of the Richard B. Russell National School
6 Lunch Act (42 U.S.C. 1766(q)) is amended by strik-
7 ing paragraph (3).

8 (9) PILOT PROJECT FOR PRIVATE NONPROFIT
9 STATE AGENCIES.—Section 18 of the Richard B.
10 Russell National School Lunch Act (42 U.S.C.
11 1769) is amended by striking subsection (a).

12 (10) MEAL COUNTING AND APPLICATION PILOT
13 PROGRAMS.—Section 18(c) of the Richard B. Russell
14 National School Lunch Act (42 U.S.C. 1769(c)) is
15 amended—

16 (A) by striking paragraphs (1) and (2);
17 and

18 (B) by redesignating paragraphs (3) and
19 (4) as paragraphs (1) and (2), respectively.

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) FRESH FRUIT AND VEGETABLE PRO-
8 GRAM.—Subsection (b) of section 19 of the Richard
9 B. Russell National School Lunch Act (42 U.S.C.
10 1769a(b)) is amended to read as follows:

11 “(b) PROGRAM.—A school participating in the pro-
12 gram—

13 “(1) shall make free fresh fruits and vegetables
14 available to students throughout the school day (or
15 at such other times as are considered appropriate by
16 the Secretary) in 1 or more areas designated by the
17 school; and

18 “(2) may make free dried fruit available to stu-
19 dents throughout the school day (or at such other
20 times as are considered appropriate by the Sec-
21 retary) in 1 or more areas designated by the school
22 only if such dried fruit—

23 “(A) contains no added sugar; and

24 “(B) meets any additional specifications,
25 as established by the Secretary.”.

1 (15) ACCOMMODATION OF THE SPECIAL DIE-
2 TARY NEEDS OF INDIVIDUALS WITH DISABILITIES.—
3 Section 27 of the Richard B. Russell National
4 School Lunch Act (42 U.S.C. 1769h) is repealed.

5 (b) CHILD NUTRITION ACT OF 1966.—

6 (1) STATE ADMINISTRATIVE EXPENSES MIN-
7 IMUM LEVELS FOR 2005 THROUGH 2007.—Section
8 7(a)(1) of the Child Nutrition Act of 1966 (42
9 U.S.C. 1776(a)(1)) is amended—

10 (A) in subparagraph (A), by striking “Ex-
11 cept as provided in subparagraph (B), each fis-
12 cal year” and inserting “Each fiscal year”;

13 (B) by striking subparagraph (B); and

14 (C) by redesignating subparagraph (C) as
15 subparagraph (B).

16 (2) FRUIT AND VEGETABLE GRANTS UNDER
17 THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
18 FOR WOMEN, INFANTS, AND CHILDREN.—Section
19 17(f)(11) of the Child Nutrition Act of 1966 (42
20 U.S.C. 1786(f)(11)) is amended—

21 (A) by striking subparagraph (C); and

22 (B) by redesignating subparagraph (D) (as
23 amended by section 232) and subparagraph (E)
24 as subparagraphs (C) and (D), respectively.

1 **SEC. 442. EQUIPMENT ASSISTANCE TECHNICAL CORREC-**
2 **TION.**

3 Notwithstanding any other provision of law, school
4 food authorities that received a grant for equipment as-
5 sistance under the grant program carried out under the
6 heading “Food and Nutrition Service Child Nutrition Pro-
7 grams” in title I of division A of the American Recovery
8 and Reinvestment Act of 2009 (Public Law 111–5; 123
9 Stat. 119) shall be eligible to receive a grant under section
10 749(j) of the Agriculture, Rural Development, Food and
11 Drug Administration, and Related Agencies Appropria-
12 tions Act, 2010 (Public Law 111–80; 123 Stat. 2134) to
13 make equipment available to schools that did not pre-
14 viously receive equipment assistance under a grant under
15 such heading (Public Law 111–5; 123 Stat. 119).

16 **SEC. 443. 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. 444. 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.

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