

**[Discussion Draft]**

JULY 11, 2010 AT 1:00

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5504**

**OFFERED BY \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

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

**Subtitle A—National School Lunch Program**

Sec. 101. 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.

4 **TITLE I—A PATH TO END**  
5 **CHILDHOOD HUNGER**  
6 **Subtitle A—National School Lunch**  
7 **Program**

8 **SEC. 101. CATEGORICAL ELIGIBILITY OF FOSTER CHIL-**  
9 **DREN.**

10 (a) **DISCRETIONARY CERTIFICATION.**—Section  
11 9(b)(5) of the Richard B. Russell National School Lunch  
12 Act (42 U.S.C. 1758(b)(5)) is amended—

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

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

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

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

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

3           (b)           CATEGORICAL           ELIGIBILITY.—Section  
4 9(b)(12)(A) of the Richard B. Russell National School  
5 Lunch Act (42 U.S.C. 1758(b)(12)(A)) is amended—

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

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

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

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

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

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

19          (c) DOCUMENTATION.—Section 9(d)(2) of the Rich-  
20          ard B. Russell National School Lunch Act (42 U.S.C.  
21          1758(d)(2)) is amended—

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

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

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

2 “(F)(i) documentation has been provided  
3 to the appropriate local educational agency  
4 showing the status of the child as a foster child  
5 whose care and placement is the responsibility  
6 of an agency that administers a State plan  
7 under part B or E of title IV of the Social Se-  
8 curity Act (42 U.S.C. 621 et seq.); or

9 “(ii) documentation has been provided to  
10 the appropriate local educational agency show-  
11 ing the status of the child as a foster child who  
12 a court has placed with a caretaker house-  
13 hold.”.

14 **SEC. 102. IMPROVING DIRECT CERTIFICATION.**

15 (a) PERFORMANCE AWARDS.—Section 9(b)(4) of the  
16 Richard B. Russell National School Lunch Act (42 U.S.C.  
17 1758(b)(4)) is amended—

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

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

22 “(E) PERFORMANCE AWARDS.—

23 “(i) IN GENERAL.—Effective for each  
24 of the school years beginning July 1, 2011,  
25 July 1, 2012, and July 1, 2013, the Sec-

1           retary shall offer performance awards to  
2           States to encourage the States to ensure  
3           that all children eligible for direct certifi-  
4           cation under this paragraph are certified in  
5           accordance with this paragraph.

6           “(ii) REQUIREMENTS.—For each  
7           school year described in clause (i), the Sec-  
8           retary shall—

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

15                   “(II) make performance awards  
16                   to not more than 15 States that the  
17                   Secretary determines demonstrate ei-  
18                   ther—

19                           “(aa) outstanding perform-  
20                           ance; or

21                           “(bb) substantial improve-  
22                           ment.

23           “(iii) USE OF FUNDS.—A State that  
24           receives a performance award under clause  
25           (i)—

1           “(I) shall treat the funds as pro-  
2           gram income to support State activi-  
3           ties with respect to the school lunch  
4           program under this Act and the  
5           school breakfast program under sec-  
6           tion 4 of the Child Nutrition Act of  
7           1966 (42 U.S.C. 1771 et seq.); and

8           “(II) shall allocate a portion of  
9           the funds to local educational agencies  
10          for use in carrying out the school  
11          lunch program and school breakfast  
12          program, with priority for such agen-  
13          cies that demonstrate the highest im-  
14          provement in directly certifying eligi-  
15          ble children under this paragraph.

16          “(iv) FUNDING.—

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

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



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

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

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

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

19                         “(F) PERFORMANCE IMPROVEMENT.—

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

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

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

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

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

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

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

1                   “(III) assist the States identified  
2                   under subclause (I) to develop and im-  
3                   plement such continuous improvement  
4                   plan.

5                   “(iii) CONTINUOUS IMPROVEMENT  
6                   PLANS.—

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

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

18                         “(aa) specific measures that  
19                         the State will use to identify  
20                         more children who are eligible for  
21                         direct certification, including im-  
22                         provements or modifications to  
23                         technology, information systems,  
24                         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 further 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 under clause  
15 (ii), or electing under clause (iii), to par-  
16 ticipate in the program may directly certify  
17 eligible children under this paragraph as  
18 eligible for free lunches under this Act and  
19 free breakfasts under section 4 of 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 for  
2 such year and each subsequent school  
3 year;

4 “(II) for the school year begin-  
5 ning July 1, 2013, up to 5 States that  
6 may directly certify eligible children  
7 for such year and each subsequent  
8 school year;

9 “(III) for the school year begin-  
10 ning July 1, 2015, up to 10 States  
11 that may directly certify eligible chil-  
12 dren for such year and each subse-  
13 quent school year;

14 “(IV) for the school year begin-  
15 ning July 1, 2017, up to 15 States  
16 that may directly certify eligible chil-  
17 dren for such year and each subse-  
18 quent school year; and

19 “(V) for the school year begin-  
20 ning July 1, 2018, up to 25 States  
21 that may directly certify eligible chil-  
22 dren for such year and each subse-  
23 quent school year.

24 “(iii) STATE OPTION.—For the school  
25 year beginning July 1, 2019, and each

1 subsequent school year, any State may  
2 elect to directly certify eligible children.

3 “(B) STATE SELECTION.—

4 “(i) IN GENERAL.—To be selected  
5 under subparagraph (A)(ii), a State shall  
6 submit to the Secretary an application at  
7 such time, in such manner, and containing  
8 such information as the Secretary may re-  
9 quire.

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

15 “(I) the rate of direct certifi-  
16 cation in such State;

17 “(II) the State’s share of individ-  
18 uals who are eligible for benefits  
19 under the supplemental nutrition as-  
20 sistance program established under  
21 the Food and Nutrition Act of 2008  
22 (7 U.S.C. 2011 et seq.) who partici-  
23 pate in the program, as determined by  
24 the Secretary;

1                   “(III) the feasibility of matching  
2                   data between local educational agen-  
3                   cies and the Medicaid program in  
4                   such State; and

5                   “(IV) the socioeconomic profile of  
6                   the State or local educational agencies  
7                   in such State.

8                   “(C) AGREEMENT.—

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

16                  “(ii) WITHOUT FURTHER APPLICA-  
17                  TION.—Subject to paragraph (6), the  
18                  agreement described in clause (i) shall es-  
19                  tablish procedures under which an eligible  
20                  child shall be certified for free lunches  
21                  under this Act and free breakfasts under  
22                  section 4 of the Child Nutrition Act of  
23                  1966 (42 U.S.C. 1773), without further  
24                  application (as defined in paragraph  
25                  (4)(G)).



1           “(D) ACCESS TO DATA.—For purposes of  
2 carrying out the program under this paragraph,  
3 the Secretary shall have access to income and  
4 program participation information from public  
5 agencies administering the Medicaid program.

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

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

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

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

20           “(bb) who is a member of a fam-  
21 ily with an income as measured by the  
22 Medicaid program before the applica-  
23 tion of any expense, block, or other in-  
24 come disregard, that does not exceed  
25 133 percent of the poverty line (as de-

1            fined in section 673(2) of the Commu-  
2            nity Services Block Grant Act (42  
3            U.S.C. 9902(2)), including any revi-  
4            sion required by such section) applica-  
5            ble to a family of the size used for  
6            purposes of determining eligibility for  
7            the Medicaid program; or

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

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

19                   “(G) FUNDING.—

20                   “(i) IN GENERAL.—On October 1,  
21                   2010, out of any funds in the Treasury not  
22                   otherwise appropriated, the Secretary of  
23                   the Treasury shall transfer to the Sec-  
24                   retary to carry out subparagraph (E)



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

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

7                           “(i) DEFINITION OF IDENTIFIED STU-  
8 DENTS.—For purposes of this subpara-  
9 graph, the term ‘identified students’ means  
10 students certified as eligible for free or re-  
11 duced price lunch under this Act based on  
12 documentation of benefit receipt or cat-  
13 egorical eligibility as described in section  
14 245.6a(e)(2) of title 7, Code of Federal  
15 Regulations (or successor regulations).

16                           “(ii) ELECTION OF SPECIAL ASSIST-  
17 ANCE PAYMENTS.—

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

1 applications for free and reduced price  
2 lunches if—

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

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

22 “(cc) the local educational  
23 agency is not a residential child  
24 care institution (as that term is  
25 used in section 210.2 of title 7,

1 Code of Federal Regulations (or  
2 successor regulations)); and

3 “(dd) by April 1 of the  
4 school year prior to the first year  
5 of the period for which the local  
6 educational agency elects to re-  
7 ceive special assistance payments  
8 under this subparagraph, the  
9 local educational agency or school  
10 had a percentage of enrolled stu-  
11 dents who were identified stu-  
12 dents that meets or exceeds the  
13 threshold described in clause  
14 (viii).

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

1           ance payments under this subpara-  
2           graph.

3                   “(III) OTHER FEDERAL PRO-  
4                   GRAMS.—A local educational agency  
5                   that elects to receive special assistance  
6                   payments under this subparagraph for  
7                   all schools in the agency or on behalf  
8                   of certain schools in the agency may  
9                   use the data described in clause (iii),  
10                  (iv), or (v), as applicable, to make eli-  
11                  gibility or allocation determinations  
12                  for the purposes of other Federal pro-  
13                  grams, including the program pro-  
14                  viding discounts to schools under sec-  
15                  tion 254(h) of the Communications  
16                  Act of 1934, that utilize free and re-  
17                  duced price lunch data for eligibility  
18                  determinations.

19                   “(iii) FIRST YEAR OF OPTION.—

20                           “(I) SPECIAL ASSISTANCE PAY-  
21                           MENT.—For each month of the first  
22                           school year of the 4-year period dur-  
23                           ing which a school or local educational  
24                           agency elects to receive payments  
25                           under this subparagraph, special as-

1                   sistance payments at the rate for free  
2                   meals shall be made under this sub-  
3                   paragraph for a percentage of all re-  
4                   imbursable meals served in an amount  
5                   equal to the product obtained by mul-  
6                   tipling—

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

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

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

19                 “(iv) SECOND, THIRD, OR FOURTH  
20                 YEAR OF OPTION.—

21                 “(I) SPECIAL ASSISTANCE PAY-  
22                 MENT.—For each month of the sec-  
23                 ond, third, or fourth school year of  
24                 the 4-year period during which a  
25                 school or local educational agency



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

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

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

23 “(II) PAYMENT FOR OTHER  
24 MEALS.—The percentage of meals  
25 served that is not described in sub-

1 clause (I) shall be reimbursed at the  
2 rate provided under section 4.

3 “(v) GRACE YEAR.—

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

17 “(II) SPECIAL ASSISTANCE PAY-  
18 MENT.—For each month of a grace  
19 year, special assistance payments at  
20 the rate for free meals shall be made  
21 under this subparagraph for a per-  
22 centage of all reimbursable meals  
23 served in an amount equal to the  
24 product obtained by multiplying—

1                   “(aa) the multiplier de-  
2                   scribed in clause (vii); by

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

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

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

19                  “(vii) MULTIPLIER.—

20                  “(I) PHASE-IN.—For each school  
21                  year beginning on or before July 1,  
22                  2013, the multiplier shall be 1.6.

23                  “(II) FULL IMPLEMENTATION.—  
24                  For each school year beginning on or  
25                  after July 1, 2014, for a local edu-

1 educational agency that makes the elec-  
2 tion described in clause (ii), on behalf  
3 of all schools in the agency or on be-  
4 half of certain schools in the agency,  
5 for a new period of 4 years, in consid-  
6 eration of the findings of the report  
7 required under clause (xii), the Sec-  
8 retary may use—

9 “(aa) a multiplier between  
10 1.3 and 1.6; and

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

15 “(viii) THRESHOLD.—

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

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

25 “(ix) PHASE-IN.—

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

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

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

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

24                   “(x) ELECTION OF OPTION.—

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

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

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

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

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

19 “(cc) each local educational  
20 agency in the fourth year of  
21 electing to receive special assist-  
22 ance payments under this sub-  
23 paragraph that does not meet the  
24 threshold described in clause  
25 (viii) but that meets or exceeds a

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

15 “(dd) each local educational  
16 agency that does not meet the  
17 threshold described in clause  
18 (viii) but that meets or exceeds a  
19 percentage that is 10 percentage  
20 points lower than the threshold  
21 described in clause (viii) that the  
22 local educational agency may be  
23 eligible to elect to receive special  
24 assistance payments under clause  
25 (iii) if the threshold described in



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

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

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

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

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

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

16 “(cc) a list of the schools  
17 that do not meet the threshold  
18 described in clause (viii) but that  
19 meet or exceed a percentage that  
20 is 10 percentage points lower  
21 than the threshold described in  
22 clause (viii).

23 “(xi) IMPLEMENTATION.—

24 “(I) GUIDANCE.—Not later than  
25 90 days after the date of enactment of

1 this subparagraph, the Secretary shall  
2 issue guidance to implement this sub-  
3 paragraph.

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

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

23 “(aa) each local educational  
24 agency that may elect to receive

1 special assistance payments  
2 under clause (ii);

3 “(bb) the blended reimburse-  
4 ment rate that each local edu-  
5 cational agency would receive;  
6 and

7 “(cc) an explanation of the  
8 methodology used to calculate the  
9 multiplier or threshold for each  
10 school or local educational agen-  
11 cy.

12 “(xii) REPORT.—Not later than De-  
13 cember 31, 2013, the Secretary shall pub-  
14 lish and submit to the Committee on Edu-  
15 cation and Labor of the House of Rep-  
16 resentatives and the Committee on Agri-  
17 culture, Nutrition, and Forestry of the  
18 Senate, a report that describes—

19 “(I) an estimate of the number  
20 of schools and local educational agen-  
21 cies eligible to elect to receive special  
22 assistance payments under this sub-  
23 paragraph that do not elect to receive  
24 the payments;

1                   “(II) for schools and local edu-  
2                   cational agencies described in sub-  
3                   clause (I)—

4                               “(aa) barriers to participa-  
5                               tion in the special assistance op-  
6                               tion under this subparagraph, as  
7                               described by the nonparticipating  
8                               schools and local educational  
9                               agencies; and

10                              “(bb) changes to the special  
11                              assistance option under this sub-  
12                              paragraph that would make eligi-  
13                              ble schools and local educational  
14                              agencies more likely to elect to  
15                              receive special assistance pay-  
16                              ments;

17                              “(III) for schools and local edu-  
18                              cational agencies that elect to receive  
19                              special assistance payments under this  
20                              subparagraph—

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

24                                   “(bb) an estimate of the per-  
25                                   centage of identified students and

1 the percentage of enrolled stu-  
2 dents who were certified to re-  
3 ceive free or reduced price meals  
4 in the school year prior to the  
5 election to receive special assist-  
6 ance payments under this sub-  
7 paragraph, and a description of  
8 how the ratio between those per-  
9 centages compares to 1.6;

10 “(cc) an estimate of the  
11 number and share of schools and  
12 local educational agencies in  
13 which more than 80 percent of  
14 students are certified for free or  
15 reduced price meals that elect to  
16 receive special assistance pay-  
17 ments under this subparagraph;  
18 and

19 “(dd) whether any of the  
20 schools or local educational agen-  
21 cies stopped electing to receive  
22 special assistance payments  
23 under this subparagraph;

1                   “(IV) the impact of electing to  
2 receive special assistance payments  
3 under this subparagraph on—

4                               “(aa) program integrity;

5                               “(bb) whether a breakfast  
6 program is offered;

7                               “(cc) the type of breakfast  
8 program offered;

9                               “(dd) the nutritional quality  
10 of school meals; and

11                               “(ee) program participation;  
12 and

13                   “(V) the multiplier and thresh-  
14 old, as described in clauses (vii) and  
15 (viii) respectively, that the Secretary  
16 plans to use for each school year be-  
17 ginning on or after July 1, 2014, and  
18 the rationale for any change in the  
19 multiplier or threshold.

20                   “(xiii) FUNDING.—

21                               “(I) IN GENERAL.—On October  
22 1, 2010, out of any funds in the  
23 Treasury not otherwise appropriated,  
24 the Secretary of the Treasury shall  
25 transfer to the Secretary to carry out

1 clause (xii) \$5,000,000, to remain  
2 available until September 30, 2014.

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

9 (2) CONFORMING AMENDMENTS.—Section  
10 11(a)(1)(B) of the Richard B. Russell National  
11 School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is  
12 amended by striking “or (E)” and inserting “(E), or  
13 (F)”.

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

18 “(g) UNIVERSAL MEAL SERVICE THROUGH SOCIO-  
19 ECONOMIC DATA.—

20 “(1) IN GENERAL.—To the maximum extent  
21 practicable, the Secretary shall identify alternatives  
22 to—

23 “(A) the daily counting by category of  
24 meals provided by the school lunch program  
25 under this Act and the school breakfast pro-



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

3           “(B) the use of annual applications as the  
4           basis for eligibility to receive free or reduced  
5           price meals under such Acts.

6           “(2) ALTERNATIVE METHODS.—

7           “(A) IN GENERAL.—Alternatives under  
8           paragraph (1) shall—

9           “(i) consider the recommendations of  
10          the Committee on National Statistics of  
11          the National Academy of Sciences relating  
12          to use of the American Community Survey  
13          of the Bureau of the Census and other  
14          data sources; and

15          “(ii) include a method based on a  
16          periodic socioeconomic survey of house-  
17          holds of children attending school in a  
18          school food authority that meets the re-  
19          quirements of subparagraph (E).

20          “(B) USE OF ALTERNATIVE METHODS.—

21          Upon the approval of the of the Secretary, al-  
22          ternative methods described in subparagraph  
23          (A) that provide accurate and effective means  
24          of providing meal reimbursement consistent  
25          with the eligibility status of students may be—

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

3 “(I) to serve all breakfasts and  
4 lunches at no charge to students in  
5 accordance with regulations issued by  
6 the Secretary; and

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

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

20 “(C) DEMONSTRATION PROJECTS.—

21 “(i) IN GENERAL.—For the purpose  
22 of carrying out demonstration projects de-  
23 scribed in subparagraph (B)(ii), the Sec-  
24 retary may waive any requirement of this  
25 Act relating to—

1                   “(I) counting of meals provided  
2                   by the school lunch program or the  
3                   school breakfast program;

4                   “(II) applications for eligibility  
5                   for free or reduced priced meals; or

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

8                   “(ii) NUMBER OF PROJECTS.—The  
9                   Secretary may—

10                   “(I) carry out the demonstration  
11                   projects using data from the Amer-  
12                   ican Community Survey described in  
13                   subparagraph (A)(i) in not more than  
14                   5 local educational agencies; and

15                   “(II) carry out the demonstration  
16                   projects using socioeconomic survey  
17                   data in not more than 3 local edu-  
18                   cational agencies.

19                   “(iii) LIMITATION.—A demonstration  
20                   project carried out under this paragraph  
21                   shall have a duration of not more than 3  
22                   years.

23                   “(iv) EVALUATION.—Not later than 4  
24                   years after implementing a demonstration  
25                   project under this paragraph, the Sec-

1           retary, using comparisons with local edu-  
2           cational agencies with similar demographic  
3           characteristics, shall evaluate each dem-  
4           onstration project carried out under this  
5           paragraph, which shall include an evalua-  
6           tion of—

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

17                     “(II) the effect of the 1 or more  
18                     methodologies adopted with respect to  
19                     participation in programs under those  
20                     Acts;

21                     “(III) the effect of the 1 or more  
22                     methodologies adopted with respect to  
23                     administration of programs under  
24                     those Acts; and

1                   “(IV) such other matters as the  
2                   Secretary determines to be appro-  
3                   priate.

4                   “(v) REPORT.—Not later than 90  
5                   days after the completion of the evaluation  
6                   under clause (iv), the Secretary shall sub-  
7                   mit to the Committee on Education and  
8                   Labor of the House of Representatives and  
9                   the Committee on Agriculture, Nutrition,  
10                  and Forestry of the Senate, a report that  
11                  describes the results of such evaluation.

12                  “(D) IMPLEMENTATION PRIORITY.—The  
13                  Secretary shall give priority consideration for  
14                  the implementation of a socioeconomic survey  
15                  method described in subparagraph (A)(ii) by a  
16                  local educational agency that uses data from a  
17                  socioeconomic survey as an alternative to daily  
18                  counting and claiming on or after the date of  
19                  enactment of this paragraph.

20                  “(E) SOCIOECONOMIC SURVEY PARAM-  
21                  ETERS.—The Secretary shall establish require-  
22                  ments for, and approve, any alternative method  
23                  that is implemented, or tested through a dem-  
24                  onstration project under this paragraph, using

1 socioeconomic survey data which, at a min-  
2 imum, shall—

3 “(i) be based on a socioeconomic sur-  
4 vey, using generally accepted statistical  
5 methods, that is designed, developed, and  
6 implemented using funds from non-Federal  
7 sources;

8 “(ii) be consistent with the Office of  
9 Management and Budget Standards and  
10 Guidelines for Statistical Surveys;

11 “(iii) ensure that the survey is drawn  
12 from a complete, comprehensive, and accu-  
13 rate list of households of students enrolled  
14 in the schools to which the results will be  
15 applied;

16 “(iv) include a scientifically rigorous  
17 implementation plan to achieve an overall  
18 response rate of at least 80 percent and an  
19 item response rate of at least 70 percent  
20 for any item in the survey used to deter-  
21 mine free and reduced price eligibility of  
22 students enrolled in the schools to which  
23 the results will be applied;

24 “(v) provide a plan for an alternative  
25 method of counting and claiming reimburs-

1           able meals if the socioeconomic survey fails  
2           to meet the minimum requirements estab-  
3           lished by the Secretary; and

4                   “(vi) reflect any additional criteria as  
5           established by the Secretary.”.

6 **SEC. 105. YEAR-ROUND, SCHOOL-BASED MEAL SERVICE.**

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

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

11           “(a) IN GENERAL.—The Secretary shall carry out a  
12 program to assist 5 States through grants-in-aid and other  
13 means, awarded on a competitive basis, to provide meals  
14 and supplements (in this section referred to as an ‘out-  
15 of-school meal service’) to eligible children participating  
16 in out-of-school programs sponsored by eligible schools.

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

20                   “(1) demonstrate administrative and oper-  
21 ational capacity to oversee, based on criteria estab-  
22 lished by the Secretary, an out-of-school meal serv-  
23 ice;

24                   “(2) demonstrate support for out-of-school pro-  
25 grams;

1           “(3) provide a plan for outreach and implemen-  
2           tation to reach children certified as eligible for free  
3           or reduced price school meals under this Act or the  
4           Child Nutrition Act of 1966 (42 U.S.C. 1771 et  
5           seq.), including children of households at risk of food  
6           insecurity, as determined by the Secretary; and

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

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

12          “(d) REIMBURSEMENT.—

13                 “(1) AT-RISK CHILDREN.—A meal or supple-  
14                 ment provided under this section to an eligible child  
15                 at a site that is located in a geographical area in  
16                 which at least 50 percent of the children are eligible  
17                 to receive free or reduced price school meals under  
18                 this Act or section 4 of the Child Nutrition Act of  
19                 1966 (42 U.S.C. 1771 et seq.) shall be—

20                         “(A) in the case of a meal, reimbursed at  
21                         the national average payment rate for meals  
22                         under sections 4 and 11 of this Act or section  
23                         4(b) of the Child Nutrition Act of 1966 (42  
24                         U.S.C. 1773(b)), as adjusted pursuant to sec-  
25                         tion 11(a)(3) of this Act.



1           “(B) in the case of a supplement, reim-  
2           bursed at the national average payment rate for  
3           supplements under section 17(c)(3)?, as ad-  
4           justed pursuant to section 11(a)(3); and

5           “(C) served without charge.

6           “(2) OTHER CHILDREN.—A meal or supple-  
7           ment provided under this section to an eligible child  
8           at a site that is not described in paragraph (1) shall  
9           be reimbursed as follows:

10           “(A) In the case of a meal, at the national  
11           average payment rate for meals under sections  
12           4 and 11 of this Act or section 4(b) of the  
13           Child Nutrition Act of 1966 (42 U.S.C.  
14           1773(b)), as adjusted pursuant to section  
15           11(a)(3) of this Act.

16           “(B) In the case of a supplement, at the  
17           national average payment rate for supplements  
18           under section 17(c)(3), as adjusted pursuant to  
19           section 11(a)(3).

20           “(e) REIMBURSEMENT LIMITATION.—An eligible ele-  
21           mentary or secondary school may not claim reimburse-  
22           ment for the same meals or supplements served under this  
23           section, section 17A, section 13(a)(11), or section 17(r)  
24           on the same day.

1           “(f) OPERATIONAL REQUIREMENTS.—The Secretary  
2 shall establish requirements governing the operation of the  
3 out-of-school meal service authorized under this section to  
4 ensure that the meal service is operated in conformance  
5 with applicable operational and oversight requirements.

6           “(g) REPORT.—Not later than 4 years after the date  
7 of the enactment of this section, the Secretary shall sub-  
8 mit to the Committee on Education and Labor of the  
9 House of Representatives and the Committee on Agri-  
10 culture, Nutrition, and Forestry of the Senate, a report  
11 that describes—

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

14                   “(2) the monitoring and oversight requirements  
15 governing the operation of the meal service;

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

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

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

23                   “(1) ELIGIBLE CHILD.—The term ‘eligible  
24 child’ means a school child who is not more than 18

1 years of age, except that such age limitation shall  
2 not apply to a child described in section 12(d)(1)(A).

3 “(2) ELIGIBLE SCHOOL.—The term ‘eligible  
4 school’ means an elementary school or secondary  
5 school that—

6 “(A) operates school lunch programs under  
7 this Act; and

8 “(B) sponsors out-of-school programs at  
9 sites that provide an educational or enrichment  
10 purpose during—

11 “(i) the extended-school day, week, or  
12 school year; or

13 “(ii) nonschool hours or periods when  
14 school is not in session.

15 “(3) OUT-OF-SCHOOL PROGRAM.—The term  
16 ‘out-of-school program’ means a program provided  
17 for eligible children—

18 “(A) during nonschool hours or periods  
19 when school is not in session, such as before or  
20 after school;

21 “(B) during any period that is an exten-  
22 sion of the school day, school week, or school  
23 year; and

24 “(C) on weekends, holidays, and during  
25 school breaks and vacations.”.

1 (b) CONFORMING AMENDMENTS.—

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

7 “(3) LIMITATION.—An eligible elementary or  
8 secondary school may not claim reimbursement for  
9 the same meals or supplements served under this  
10 section, section 17B, section 13(a)(11), or section  
11 17(r) on the same day.”.

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

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

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

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

1           “(f) GRANTS FOR EXPANSION OF SCHOOL BREAK-  
2 FAST PROGRAMS.—

3                   “(1) ESTABLISHMENT.—

4                           “(A) IN GENERAL.—The Secretary shall  
5 establish a program to award grants, on a com-  
6 petitive basis, to State educational agencies for  
7 the purpose of providing subgrants to local edu-  
8 cational agencies for qualifying schools or  
9 groups of qualifying schools to establish or ex-  
10 pand the school breakfast program at the quali-  
11 fying schools.

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

14                                   “(i) develop an appropriate competi-  
15 tive application process; and

16                                   “(ii) make information available to  
17 State educational agencies concerning the  
18 availability of funds under this subsection.

19                           “(C) BEST PRACTICES.—

20                                   “(i) IN GENERAL.—Prior to awarding  
21 grants under this subsection, the Secretary  
22 shall make available to State educational  
23 agencies and local educational agencies in-  
24 formation regarding the most effective  
25 mechanisms by which to increase school

1 breakfast participation among eligible chil-  
2 dren at qualifying schools.

3 “(ii) REQUIREMENT.—In awarding  
4 subgrants under paragraph (3), a State  
5 educational agency may award such sub-  
6 grants only to local educational agencies  
7 for qualifying schools or groups of quali-  
8 fying schools that have adopted, or provide  
9 assurances that the subgrant funds will be  
10 used to adopt, the most effective mecha-  
11 nisms identified by the Secretary under  
12 clause (i).

13 “(D) LOW-INCOME SCHOOL OUTREACH  
14 AND PRIORITY.—

15 “(i) OUTREACH TO LOW-INCOME  
16 SCHOOLS.—Prior to awarding subgrants  
17 under paragraph (3), a State educational  
18 agency shall inform the local educational  
19 agencies within the State with qualifying  
20 schools that have the highest proportion of  
21 students certified as eligible for free and  
22 reduced price meals, as compared to other  
23 qualifying schools in other local edu-  
24 cational agencies within the State, of the

1 eligibility of such agencies for subgrants  
2 provided under this subsection.

3 “(ii) PRIORITY.—In awarding sub-  
4 grants under paragraph (3), a State edu-  
5 cational agency shall give priority to local  
6 educational agencies with qualifying  
7 schools in which at least 75 percent of the  
8 students are certified as eligible for free or  
9 reduced-price school lunches under the  
10 school lunch program established under the  
11 Richard B. Russell National School Lunch  
12 Act (42 U.S.C. 1751 et seq.).

13 “(2) GRANTS TO STATE EDUCATIONAL AGEN-  
14 CIES.—To be eligible to receive a grant under this  
15 subsection, a State educational agency shall submit  
16 to the Secretary an application at such time, in such  
17 manner, and containing such information as the Sec-  
18 retary may require.

19 “(3) SUBGRANTS TO LOCAL EDUCATIONAL  
20 AGENCIES.—

21 “(A) IN GENERAL.—A State educational  
22 agency that receives a grant under this sub-  
23 section—

24 “(i) shall use the grant funds to pro-  
25 vide subgrants to local educational agen-

1           cies for qualifying schools or groups of  
2           qualifying schools; and

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

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

10           “(i) to provide training and technical  
11           assistance to the staff of qualifying  
12           schools;

13           “(ii) to provide promotional materials  
14           to students enrolled in qualifying schools  
15           and the families of such students to en-  
16           courage participation in the school break-  
17           fast program;

18           “(iii) to purchase equipment needed to  
19           provide breakfast service outside the cafe-  
20           teria at qualifying schools;

21           “(iv) for additional local educational  
22           agency supervisory personnel to assist with  
23           implementation or expansion of the school  
24           breakfast program at qualifying schools; or



1                   “(v) for other effective mechanisms  
2                   identified by the Secretary under para-  
3                   graph (1)(C)(i).

4                   “(C) MAXIMUM AMOUNT.—The amount of  
5                   a subgrant provided under this subsection by a  
6                   State educational agency to a local educational  
7                   agency for qualifying schools or a group of  
8                   qualifying schools shall not exceed \$10,000 for  
9                   each school year.

10                  “(D) MAXIMUM GRANT TERM.—A State  
11                  educational agency may not provide subgrants  
12                  under this subsection to a local educational  
13                  agency for qualifying schools or groups of quali-  
14                  fying schools for more than 2 years.

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

19                  “(5) FUNDING.—

20                  “(A) IN GENERAL.—On October 1, 2010,  
21                  out of any funds in the treasury not otherwise  
22                  appropriated, the Secretary of the Treasury  
23                  shall transfer to the Secretary to carry out this  
24                  subsection \$10,000,000 to remain available  
25                  until expended.

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

6           **Subtitle B—Summer Food Service**  
7           **Program**

8           **SEC. 111. ALIGNMENT OF ELIGIBILITY RULES FOR PUBLIC**  
9           **AND PRIVATE SPONSORS.**

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

13                 “(7) PRIVATE NONPROFIT ORGANIZATIONS.—

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

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

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

24                         “(iii) demonstrates that the organiza-  
25                         tion has adequate management and the fis-

1 cal capacity to operate a program under  
2 this section;

3 “(iv) has Federal tax exempt status  
4 as described in section 501(c) of the Inter-  
5 nal Revenue Code of 1986 and exempt  
6 from taxation under 501(a) of that Code;

7 “(v) meets applicable State and local  
8 health, safety, and sanitation standards;  
9 and

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

15 “(B) ELIGIBILITY.—A private nonprofit  
16 organization (other than an organization eligi-  
17 ble under paragraph (1)) shall be eligible for  
18 the program under the same terms and condi-  
19 tions as other service institutions.”.

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

21 Section 13(a) of the Richard B. Russell National  
22 School Lunch Act (42 U.S.C. 1761(a)) is further amended  
23 by adding at the end the following:

24 “(11) OUTREACH TO ELIGIBLE FAMILIES.—

1           “(A) IN GENERAL.—The Secretary shall  
2           provide funds to each State agency that admin-  
3           isters the national school lunch program under  
4           this Act to require each such State agency to  
5           ensure that, to the maximum extent practicable,  
6           school food authorities participating in the  
7           school lunch program under this Act cooperate  
8           with participating service institutions to dis-  
9           tribute materials to inform families of—

10                   “(i) the availability and location of  
11                   summer food service program meals served  
12                   under this section; and

13                   “(ii) the availability of reimbursable  
14                   breakfasts served under the school break-  
15                   fast program established under section 4 of  
16                   the Child Nutrition Act of 1966 (42  
17                   U.S.C. 1773).

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

23           “(C) INFORMATION DISTRIBUTION.—Infor-  
24           mational activities carried out under subpara-  
25           graph (A) may include—

1           “(i) the development or dissemination  
2           of printed materials, to be distributed to  
3           all school children or the families of school  
4           children prior to the end of the school  
5           year, that inform families of the avail-  
6           ability and location of summer food service  
7           program meals;

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

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

21          “(D) MULTIPLE STATE AGENCIES.—If the  
22          State agency administering the program under  
23          this section is not the same State agency that  
24          administers the school lunch program under

1           this Act, the 2 State agencies shall work coop-  
2           eratively to implement this paragraph.”.

3 **SEC. 113. SUMMER FOOD SERVICE PROGRAM YEAR-ROUND**  
4           **OPTION.**

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

8           “(12) SUMMER FOOD SERVICE PROGRAM YEAR-  
9           ROUND OPTION.—

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

21           “(B) ASSISTANCE REQUIREMENT.—The  
22           Secretary shall provide assistance under this  
23           paragraph to a State that has carried out year-  
24           round services under section 18(h) (as in effect  
25           on the day before the date of the enactment of

1 the Improving Nutrition for America’s Children  
2 Act).

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

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

12 “(ii) provide a plan for outreach and  
13 implementation to reach children certified  
14 as eligible for free or reduced price meals  
15 under this Act or under section 4 of the  
16 Child Nutrition Act of 1966 (42 U.S.C.  
17 1771 et seq.), including children of house-  
18 holds at risk of food insecurity, as deter-  
19 mined by the Secretary;

20 “(iii) demonstrate support for after-  
21 school and summer programming; and

22 “(iv) meet other such considerations,  
23 as determined by the Secretary.

24 “(D) PARTICIPATION CRITERIA.—A service  
25 institution may participate in the year-round

1 program option under this paragraph if the in-  
2 stitution provides meals or supplements under a  
3 program that—

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

6 “(I) during before- or after-  
7 school hours;

8 “(II) on weekends; or

9 “(III) during school holidays and  
10 vacations; and

11 “(ii) is located in an area in which  
12 poor economic conditions exist.

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

18 “(F) TERMS AND CONDITIONS.—

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



1           “(ii) MEAL LIMITS.—In addition to  
2 being eligible for reimbursement for meals  
3 described in subsection (b)(2) served dur-  
4 ing each day of operation during the peri-  
5 ods described in subsection (c)(1), service  
6 institutions participating in the year-round  
7 program option under this paragraph may  
8 be reimbursed for up to 1 meal and 1 sup-  
9 plement per child served during each day  
10 of operation during the regular school cal-  
11 endar.

12           “(iii) REIMBURSEMENT.—

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

21           “(II) LIMITATION.—A service in-  
22 stitution may not claim reimburse-  
23 ment for the same meals served under  
24 this paragraph, section 17A, section

1                   17B, or section 17(r) on the same  
2                   day.

3                   “(III) ELIGIBLE CHILDREN.—  
4                   Reimbursement may be provided  
5                   under this paragraph only for the  
6                   same meals and supplements served to  
7                   children who are not more than 18  
8                   years of age, except that the age limi-  
9                   tation provided by this subclause shall  
10                  not apply to a child described in sec-  
11                  tion 12(d)(1)(A).

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

20                  “(H) REPORT.—Not later than 4 years  
21                  after the date of the enactment of this para-  
22                  graph, the Secretary shall submit to the Com-  
23                  mittee on Education and Labor of the House of  
24                  Representatives and the Committee on Agri-

1 culture, Nutrition, and Forestry of the Senate  
2 a report that describes—

3 “(i) the impact of this paragraph on  
4 participation in the program under this  
5 section during the summer months and  
6 during the regular school year;

7 “(ii) the monitoring and oversight re-  
8 quirements governing the operation of the  
9 program option under this paragraph;

10 “(iii) the financial and administrative  
11 impact to service institutions participating  
12 in the program option under this para-  
13 graph; and

14 “(iv) any recommendations by the  
15 Secretary concerning the operation and ad-  
16 ministration of the program option under  
17 this paragraph.

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

1 **SEC. 114. RURAL ACCESS TO SUMMER FOOD SERVICE PRO-**  
2 **GRAM.**

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

5 (1) in the paragraph heading, by striking “EX-  
6 EMPTION” and inserting “APPLICABILITY TO RURAL  
7 AREAS”;

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

12 (3) in subparagraph (B)(iii)—

13 (A) by striking “2008” and inserting  
14 “2014”; and

15 (B) by striking clause (iv).

16 **Subtitle C—Child and Adult Care**  
17 **Food Program**

18 **SEC. 121. SIMPLIFYING AREA ELIGIBILITY DETERMINA-**  
19 **TIONS IN THE CHILD AND ADULT CARE FOOD**  
20 **PROGRAM.**

21 Section 17(f)(3)(A)(ii)(I)(bb) of the Richard B. Rus-  
22 sell National School Lunch Act (42 U.S.C.  
23 1766(f)(3)(A)(ii)(I)(bb)) is amended by striking “elemen-  
24 tary”.

1 **SEC. 122. CHILD AND ADULT CARE FOOD PROGRAM REIM-**  
2 **BURSEMENT.**

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

6 “(B) REIMBURSEMENT.—

7 “(i) IN GENERAL.—No reimbursement  
8 may be made to any institution under this  
9 paragraph, or to any family or group day  
10 care home sponsoring organization under  
11 paragraph (3) of this subsection—

12 “(I) for more than 2 meals and  
13 1 supplement per child per day; and

14 “(II) for children who are main-  
15 tained in child care for 8 hours or  
16 more per day, for 1 additional meal or  
17 supplement for each such child per  
18 day.

19 “(ii) LIMITATIONS.—The reimburse-  
20 ment under clause (i)(II) shall be provided,  
21 on a competitive basis, to not more than 5  
22 States for disbursement to the institutions  
23 or sponsoring organizations described in  
24 clause (i) that are located in such States.  
25 In providing such reimbursement, the Sec-

1           retary shall give priority consideration to  
2           States that—

3                       “(I) demonstrate administrative  
4                       and operational capacity to oversee  
5                       the additional meal service under this  
6                       subparagraph based on criteria estab-  
7                       lished by the Secretary;

8                       “(II) provide a plan for outreach  
9                       and implementation to reach children  
10                      who are maintained in child care for  
11                      8 or more hours per day; and

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

14                      “(iii)     OPERATIONAL     REQUIRE-  
15                      MENTS.—The Secretary shall establish re-  
16                      quirements to ensure that meal services  
17                      are operated in conformance with applica-  
18                      ble operational and oversight requirements  
19                      determined by the Secretary.

20                      “(iv) REPORTING.—Not later than 4  
21                      years after the date of the enactment of  
22                      the Improving Nutrition for America’s  
23                      Children Act, the Secretary shall submit to  
24                      the Committee on Education and Labor of  
25                      the House of Representatives and the

1 Committee on Agriculture, Nutrition, and  
2 Forestry of the Senate, a report that de-  
3 scribes—

4 “(I) the impact of the additional  
5 meal service option under this sub-  
6 paragraph on participation in the pro-  
7 gram under this section;

8 “(II) the monitoring and over-  
9 sight requirements for administering  
10 the additional meal service for chil-  
11 dren maintained in child care for 8  
12 hours or more per day;

13 “(III) the financial and adminis-  
14 trative impact of the additional meal  
15 service to service institutions partici-  
16 pating in the program under this sec-  
17 tion; and

18 “(IV) any additional information  
19 or legislative recommendations, as de-  
20 termined by the Secretary.”

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

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

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

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

13 **Subtitle E—Miscellaneous**

14 **SEC. 141. CHILDHOOD HUNGER RESEARCH.**

15 The Richard B. Russell National School Lunch Act  
16 (42 U.S.C. 1751 et seq.) is amended by inserting after  
17 section 22 the following:

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

19 “(a) RESEARCH ON CAUSES AND CONSEQUENCES OF  
20 CHILDHOOD HUNGER.—The Secretary shall conduct a re-  
21 search program on—

22 “(1) the causes of childhood hunger and food  
23 insecurity;

24 “(2) the characteristics of households with  
25 childhood hunger and food insecurity; and



1           “(3) the consequences of childhood hunger and  
2 food insecurity.

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

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

7           “(2) provide grants to eligible entities.

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

10           “(1) a State;

11           “(2) an institution of higher education; or

12           “(3) another public or private agency or organi-  
13 zation, as determined by the Secretary.

14           “(d) APPLICATION.—To be eligible to enter into a  
15 contract or cooperative agreement or receive a grant under  
16 this section, an eligible entity shall submit to the Secretary  
17 an application at such time, in such manner, and con-  
18 taining such information as the Secretary may require.

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

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

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

3           “(3) the extent to which—

4                   “(A) existing Federal assistance programs,  
5                   including programs under the Internal Revenue  
6                   Code of 1986, reduce childhood hunger and  
7                   food insecurity; and

8                   “(B) childhood hunger and food insecurity  
9                   persist due to—

10                           “(i) gaps in program coverage;

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

13                           “(iii) the insufficiency of program  
14                           benefits or services;

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

17           “(5) an estimate of the degree to which the  
18           measure of food insecurity based on the Current  
19           Population Survey conducted by the Census Bureau  
20           underestimates childhood hunger and food insecu-  
21           rity; and

22           “(6) the effects of childhood hunger on child  
23           development, well-being, educational attainment, and  
24           such other critical outcomes as are determined by  
25           the Secretary.

1 “(f) FUNDING.—

2 “(1) IN GENERAL.—On October 1, 2012, out of  
3 any funds in the Treasury not otherwise appro-  
4 priated, the Secretary of the Treasury shall transfer  
5 to the Secretary to carry out this section  
6 \$10,000,000, to remain available until expended.

7 “(2) RECEIPT AND ACCEPTANCE.—The Sec-  
8 retary shall be entitled to receive, shall accept, and  
9 shall use to carry out this section the funds trans-  
10 ferred under paragraph (1), without further appro-  
11 priation.”.

12 **SEC. 142. STATE CHILDHOOD HUNGER CHALLENGE**  
13 **GRANTS.**

14 The Richard B. Russell National School Lunch Act  
15 (42 U.S.C. 1751 et seq.) is further amended by inserting  
16 after section 23 (as added by section 141) the following:

17 **“SEC. 24. STATE CHILDHOOD HUNGER CHALLENGE**  
18 **GRANTS.**

19 “(a) IN GENERAL.—From the amounts appropriated  
20 under subsection (k), the Secretary may competitively  
21 award grants to, or enter into competitively awarded coop-  
22 erative agreements with, the Governors of States to carry  
23 out comprehensive and innovative demonstration projects  
24 to end childhood hunger, including projects that establish  
25 public-private partnerships and alternative models for

1 service delivery that promote the reduction or elimination  
2 of childhood hunger by 2015.

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

6 “(1) the proportion of children in the State cer-  
7 tified as eligible for free and reduced price meals  
8 under this Act [or section 4 of the Child Nutrition  
9 Act of 1966 (42 U.S.C. 1773)]; and

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

12 “(c) APPLICATION.—To be eligible to receive a grant  
13 or enter into a cooperative agreement under this section,  
14 a Governor of a State shall submit to the Secretary an  
15 application at such time, in such manner, and containing  
16 such information as the Secretary may require.

17 “(d) PROJECTS.—A Governor of a State receiving  
18 funds under this section shall use such funds to carry out  
19 a demonstration project based on a comprehensive and in-  
20 novative strategy to end childhood hunger, including a  
21 project that—

22 “(1) enhances benefits or provides for innova-  
23 tive program delivery models in the Federal child  
24 nutrition programs, including school meal programs,  
25 afterschool or out-of-school meal service programs,

1 summer feeding programs, weekend feeding pro-  
2 grams, child and adult care food programs, and the  
3 Special Supplemental Nutrition Program for  
4 Women, Infants, and Children established under sec-  
5 tion 17 of the Child Nutrition Act of 1966 (42  
6 U.S.C. 1786).

7 “(2) increase access and participation in Fed-  
8 eral child nutrition programs; or

9 “(3) improves the coordination of Federal,  
10 State, and community resources and services aimed  
11 at eliminating childhood food insecurity and hunger,  
12 including—

13 “(A) Federal child nutrition programs;

14 “(B) other Federal, State, or local assist-  
15 ance programs and services; and

16 “(C) private or nonprofit assistance ef-  
17 forts.

18 “(e) SELECTION CRITERIA.—

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

1           “(A) a description of the target population,  
2 including children certified as eligible for free or  
3 reduced price meals under this Act or section 4  
4 of the Child Nutrition Act of 1966 (42 U.S.C.  
5 1771 et seq.) that are at risk of experiencing  
6 hunger or food insecurity;

7           “(B) a commitment to approaches that use  
8 a scientifically valid methodology prescribed by  
9 the Secretary under subsection (g)(2) for the  
10 implementation and evaluation of projects;

11           “(C) a comprehensive and innovative strat-  
12 egy to reduce the risk of childhood hunger or  
13 provide a significant improvement to the food  
14 security status of households with children;

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

21           “(E) a partnership among public and pri-  
22 vate stakeholders that demonstrates a commit-  
23 ment to collaborate toward ending childhood  
24 hunger through a coordinated plan;

1           “(F) a preference for projects with a 25  
2           percent non-Federal match that may be pro-  
3           vided in cash or fairly evaluated in-kind con-  
4           tributions, including facilities, equipment, serv-  
5           ices, or staffing from a State government, a  
6           local government, or a private source; and

7           “(G) such other criteria as are determined  
8           by the Secretary.

9           “(2) CONSULTATION.—The Secretary shall con-  
10          sult with—

11           “(A) the Secretary of Health and Human  
12          Services;

13           “(B) the Secretary of Labor;

14           “(C) the Secretary of Education; and

15           “(D) the Secretary of Housing and Urban  
16          Development.

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

20           “(1) a collaboration among key stakeholders in  
21          the State, such as representatives from business,  
22          nonprofits, faith- and community-based organiza-  
23          tions, institutions of higher education, the philan-  
24          thropic sector, and public agencies that oversee Fed-

1       eral child nutrition, education, housing, public  
2       health, and other social service programs;

3               “(2) a collaborative planning process that re-  
4       sults in a comprehensive agenda to eliminate child-  
5       hood hunger that is—

6               “(A) described in a detailed project plan;  
7       and

8               “(B) provided to the Secretary for ap-  
9       proval;

10              “(3) an annual budget;

11              “(4) specific performance goals, including the  
12       goal to sharply reduce or eliminate food insecurity  
13       among children in the State by 2015, as determined  
14       through a methodology prescribed by the Secretary  
15       and carried out by the Governor of the State; and

16              “(5) an independent evaluation described in  
17       subsection (g).

18       “(g) EVALUATION.—Each Governor of a State car-  
19       rying out a project with funds under this section shall  
20       carry out an independent evaluation that measures and  
21       evaluates the impact of any activities carried out under  
22       the project on the rate of childhood food insecurity in the  
23       State that—



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

4           “(2) is carried out using a scientifically valid  
5           methodology prescribed by the Secretary, including  
6           random assignment or other methods that are capa-  
7           ble of producing scientifically valid information, to  
8           determine which activities are effective in reducing  
9           the prevalence or preventing the incidence of food in-  
10          security and hunger in the community, especially  
11          among children; and

12          “(3) evaluates the impact of the project on ap-  
13          propriate participation, food security, nutrition, and  
14          associated behavioral outcomes among participating  
15          children.

16          “(h) REPORTING.—Not later than December 31,  
17          2011, and each December 31 thereafter until the date on  
18          which the last evaluation under subsection (g) of a project  
19          funded under this section is completed, the Secretary  
20          shall—

21                 “(1) submit to the Committee on Education  
22                 and Labor of the House of Representatives and the  
23                 Committee on Agriculture, Nutrition, and Forestry  
24                 of the Senate a report that includes a description  
25                 of—

1           “(A) the status of each demonstration  
2           project carried out with funds under this sec-  
3           tion; and

4           “(B) the results of any evaluations of the  
5           demonstration projects completed during the  
6           previous fiscal year; and

7           “(2) ensure that the evaluation results are  
8           shared broadly to inform policymakers, service pro-  
9           viders, other partners, and the public in order to  
10          promote the wide use of successful strategies.

11          “(i) LIMITATIONS.—

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

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

17           “(3) PERFORMANCE BASIS.—Funds provided  
18          under this section shall be made available to a Gov-  
19          ernor of a State for each year of the grant or con-  
20          tract awarded to the Governor of the State. The  
21          amount of funds provided for each such year shall  
22          be contingent on the satisfactory implementation of  
23          the project plan submitted under subsection (f)(2)  
24          and progress towards the performance goals defined  
25          in the plan.

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

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

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

8           “(j) DEFINITIONS.—In this section:

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

11                  “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
12                  tity’ means a public or private agency or organiza-  
13                  tion, as determined by the Secretary.

14                  “(3) GOVERNOR OF A STATE.—The term ‘Gov-  
15                  ernor of a State’ means—

16                          “(A) a Governor of a State; or

17                          “(B) an eligible entity approved by a Gov-  
18                  ernor of a State.

19           “(k) AUTHORIZATION OF APPROPRIATIONS.—There  
20           are authorized to be appropriated \$50,000,000 to carry  
21           out this section for fiscal years 2011 through 2015, to re-  
22           main available until September 30, 2015.”.

1 **SEC. 143. POLICIES AND PRACTICES TO PREVENT OVERT**  
2 **IDENTIFICATION.**

3 Section 9(b)(10) of the Richard B. Russell National  
4 School Lunch Act (42 U.S.C. 1758(b)(10)) is amended to  
5 read as follows:

6 “(10) PROHIBITION OF OVERT IDENTIFICA-  
7 TION.—

8 “(A) IN GENERAL.—A school participating  
9 in the school lunch program under this Act  
10 shall not—

11 “(i) physically segregate, or otherwise  
12 discriminate against, any child certified as  
13 eligible for free or reduced price meals  
14 under this Act or section 4 of the Child  
15 Nutrition Act of 1966 (42 U.S.C. 1773);  
16 or

17 “(ii) overtly identify any child by spe-  
18 cial tokens or tickets, announced or pub-  
19 lished list of names, or by other means, as  
20 determined by the Secretary.

21 “(B) AVAILABILITY OF REIMBURSABLE  
22 MEALS FOR ELIGIBLE CHILDREN.—

23 “(i) IN GENERAL.—Consistent with  
24 the provisions of this paragraph, each local  
25 educational agency shall notify parents and  
26 guardians in writing of the policies with re-

1           spect to providing meals under this Act or  
2           section 4 of the Child Nutrition Act of  
3           1966 (42 U.S.C. 1773) to children—

4                   “(I) who do not have sufficient  
5                   funds to purchase a paid or reduced  
6                   price meal; or

7                   “(II) who are members of house-  
8                   holds that have an outstanding debt  
9                   owed to the local educational agency  
10                  for a reimbursable meal.

11                  “(ii) FREE MEALS.—All children who  
12                  are certified as eligible for free meals shall  
13                  be offered the reimbursable meal that is  
14                  made available by the child’s school on any  
15                  day, regardless of any unpaid fees.

16                  “(iii) REDUCED PRICE MEALS.—All  
17                  children who are certified as eligible for re-  
18                  duced price meals shall be offered the re-  
19                  imbursable meal that is made available by  
20                  the child’s school on any day, if a child  
21                  pays the reduced price meal charge for  
22                  that day, regardless of any unpaid fees.

23                  “(iv) PAID MEALS.—All children who  
24                  are not eligible for free or reduced price  
25                  meals shall be offered the reimbursable

1 meal that is made available by the child's  
2 school on any day, if a child pays the paid  
3 meal charge for that day, regardless of any  
4 unpaid fees.

5 “(v) HOUSEHOLDS IN ARREARS.—For  
6 a child from a household that has out-  
7 standing debt owed to a local educational  
8 agency for a reimbursable meal, the local  
9 educational agency—

10 “(I) shall promptly notify the  
11 parent or guardian of such household  
12 of the amount of the debt and how to  
13 rectify the debt, and conduct follow-up  
14 communication with the parent or  
15 guardian as necessary to carry out  
16 such notification;

17 “(II) shall attempt to directly  
18 certify the child under paragraph (4),  
19 (5), or (15) ;

20 “(III) if direct certification pur-  
21 suant to subclause (II) is not prac-  
22 ticable or successful and such house-  
23 hold does not have an approved house-  
24 hold application on file with the agen-  
25 cy, shall provide a household applica-

1                   tion and related materials to such  
2                   household; and

3                   “(IV) may attempt to collect un-  
4                   paid reimbursable meal fees from such  
5                   household.

6                   “(C) STUDY ON CURRENT PRACTICES.—

7                   “(i) IN GENERAL.—The Secretary  
8                   shall assess policies and practices at the  
9                   State, local educational agency, and school  
10                  food authority level in effect as of the date  
11                  of enactment of the Improving Nutrition  
12                  for America’s Children Act, which may im-  
13                  pact the overt identification of eligible chil-  
14                  dren, including policies and procedures—

15                  “(I) to attempt to certify as eligi-  
16                  ble for free meals, including through  
17                  direct certification under paragraph  
18                  (4), (5), or (15), children from house-  
19                  holds that have an outstanding debt  
20                  owed to the local educational agency  
21                  for a reimbursable meal;

22                  “(II) to collect payment from  
23                  children for a reimbursable meal, in-  
24                  cluding children from households that  
25                  have an outstanding debt owed to the

1 local educational agency for such  
2 meal;

3 “(III) to extend credit to children  
4 for the cost of purchasing a reimburs-  
5 able meal if a child has insufficient  
6 funds to pay for such meal;

7 “(IV) to provide children that  
8 have insufficient funds with an alter-  
9 native meal other than the reimburs-  
10 able meal offered;

11 “(V) that may directly impact a  
12 child with insufficient funds in a man-  
13 ner unassociated with school meal  
14 service, such as withholding edu-  
15 cational opportunities; and

16 “(VI) that may directly or indi-  
17 rectly result in the overt identification  
18 of students eligible for free or reduced  
19 price meals under this Act or section  
20 4 of the Child Nutrition Act of 1966  
21 (42 U.S.C. 1773), as determined by  
22 the Secretary.

23 “(ii) REPORT.—Not later than Octo-  
24 ber 1, 2012, the Secretary shall submit to  
25 the Committee on Education and Labor of



1 the House of Representatives and the  
2 Committee on Agriculture, Nutrition, and  
3 Forestry of the Senate a report that de-  
4 scribes—

5 “(I) findings of the assessment  
6 under clause (i); and

7 “(II) recommendations for na-  
8 tional standards for meal payment  
9 and food service policies and practices  
10 to ensure that children eligible for  
11 free or reduced price lunch or break-  
12 fast are certified expeditiously  
13 throughout the school year and are  
14 not overtly identified, with consider-  
15 ations for feasibility, content, and im-  
16 plementation.

17 “(D) GUIDANCE.—After submitting the re-  
18 port under subparagraph (C)(ii), the Secretary  
19 shall develop and provide guidance in the form  
20 of best practices consistent with this paragraph  
21 to States, school food authorities, and local edu-  
22 cational agencies with regard to meal payment  
23 and food service policies and practices to ensure  
24 eligible children have access to free and reduced  
25 price meals and are not overtly identified.

1                   “(E) FURTHER ACTION.—The Secretary  
2                   may—

3                   “(i) test through demonstration  
4                   projects the recommendations from the re-  
5                   port submitted under subparagraph (C)(ii);  
6                   or

7                   “(ii) implement national standards  
8                   through regulations, which shall consider—

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

11                  “(II) the impact of overt identi-  
12                  fication on children;

13                  “(III) the manner in which eligi-  
14                  ble children will be provided with as-  
15                  sistance in becoming certified for free  
16                  or reduced meals; and

17                  “(IV) the potential financial and  
18                  administrative impact on school food  
19                  authorities and local educational agen-  
20                  cies.”.

21 **SEC. 144. STUDY RELATING TO THE CHILD AND ADULT**  
22 **CARE FOOD PROGRAM.**

23                  (a) STUDY.—The Secretary, acting through the Ad-  
24                  ministrators of the Food and Nutrition Service, shall carry  
25                  out a study of States participating in an afterschool at-

1 risk meal service program under the child and adult care  
2 food program established under section 17(r) of the Rich-  
3 ard B. Russell National School Lunch Act (42 U.S.C.  
4 1766).

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

9 (1) the results of the study carried out under  
10 subsection (a);

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

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

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

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

21 “(j) WEEKENDS AND HOLIDAYS WITHOUT HUN-  
22 GER.—

23 “(1) ESTABLISHMENT.—From the amounts ap-  
24 propriated under paragraph (7), the Secretary shall  
25 carry out a pilot program under which the Secretary

1 shall provide commodities to eligible institutions to  
2 carry out projects to provide nutritious food to at-  
3 risk school children on weekends and during ex-  
4 tended school holidays during the school year.

5 “(2) ELIGIBILITY.—

6 “(A) IN GENERAL.—To be eligible to re-  
7 ceive commodities under this subsection, an eli-  
8 gible institution shall submit an application to  
9 the Secretary at such time, in such manner,  
10 and containing such information as the Sec-  
11 retary may determine.

12 “(B) PLAN.—An application under sub-  
13 paragraph (A) shall include the plan of the eli-  
14 gible institution for the distribution of nutri-  
15 tious foods to at-risk school children, includ-  
16 ing—

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

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

22 “(iii) lists of the types of food to be  
23 provided under the project and provisions  
24 to ensure food quality and safety;

1                   “(iv) information on the number of  
2                   at-risk school children to be served and the  
3                   per-child cost of providing the children  
4                   with food; and

5                   “(v) such other information as the  
6                   Secretary determines to be necessary to as-  
7                   sist the Secretary in evaluating projects  
8                   that receive commodities under this sub-  
9                   section.

10                  “(3) PRIORITY.—In selecting applications under  
11                  this subsection, the Secretary shall give priority to  
12                  eligible institutions that—

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

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

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

20                         “(D) provide children with readily  
21                         consumable food of high nutrient content and  
22                         quality;

23                         “(E) demonstrate cost efficiencies and the  
24                         potential for obtaining supplemental funding

1 from non-Federal sources to carry out projects;  
2 and

3 “(F) demonstrate the ability to continue  
4 projects for the full approved term of the pilot  
5 project period.

6 “(4) GUIDELINES.—

7 “(A) IN GENERAL.—The Secretary shall  
8 issue guidelines containing the criteria for  
9 projects to receive commodities under this sec-  
10 tion.

11 “(B) INCLUSIONS.—The guidelines shall,  
12 to the maximum extent practicable within the  
13 funds available and applications submitted, take  
14 into account—

15 “(i) geographical variations in project  
16 locations to include qualifying projects in  
17 rural, urban, and suburban areas with high  
18 proportions of families with at-risk school  
19 children;

20 “(ii) different types of projects that  
21 offer nutritious foods on weekends and  
22 during school holidays to at-risk school  
23 children; and

1 “(iii) institutional capacity to collect,  
2 maintain, and provide statistically valid in-  
3 formation necessary for the Secretary—

4 “(I) to analyze and evaluate the  
5 results of the pilot project; and

6 “(II) to make recommendations  
7 to Congress.

8 “(5) EVALUATION.—

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

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

16 “(i) an evaluation of the pilot pro-  
17 gram carried out under this subsection;  
18 and

19 “(ii) any recommendations of the Sec-  
20 retary for legislative action.

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

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

25 “(B) ELIGIBLE INSTITUTION.—

1                   “(i) IN GENERAL.—The term ‘eligible  
2                   institution’ means a public or private non-  
3                   profit institution that is determined by the  
4                   Secretary to be able to meet safe food stor-  
5                   age, handling, and delivery standards es-  
6                   tablished by the Secretary.

7                   “(ii) INCLUSIONS.—The term ‘eligible  
8                   institution’ includes—

9                                 “(I) an elementary or secondary  
10                                school or school food service authority;

11                               “(II) a food bank or food pantry;

12                               “(III) a homeless shelter; and

13                               “(IV) such other type of emer-  
14                               gency feeding agency as is approved  
15                               by the Secretary.

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



1                   **TITLE II—IMPROVING**  
2                   **NUTRITION QUALITY**  
3           **Subtitle A—School Nutrition**  
4                   **Programs**

5   **SEC. 201. PERFORMANCE-BASED REIMBURSEMENT RATE**  
6                   **INCREASES FOR NEW MEAL PATTERNS.**

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

10                   “(3) **ADDITIONAL REIMBURSEMENT.**—

11                           “(A) **REGULATIONS.**—

12                                   “(i) **PROPOSED REGULATIONS.**—Not-  
13                                   withstanding section 9(f), not later than  
14                                   18 months after the date of enactment of  
15                                   this paragraph, the Secretary shall promul-  
16                                   gate proposed regulations to update the  
17                                   meal patterns and nutrition standards for  
18                                   the school lunch program authorized under  
19                                   this Act and the school breakfast program  
20                                   established by section 4 of the Child Nutri-  
21                                   tion Act of 1966 (42 U.S.C. 1773) based  
22                                   on recommendations made by the Food  
23                                   and Nutrition Board of the National Re-  
24                                   search Council of the National Academy of  
25                                   Sciences.

1                   “(ii) INTERIM OR FINAL REGULA-  
2                   TIONS.—

3                   “(I) IN GENERAL.—Not later  
4                   than 18 months after promulgation of  
5                   the proposed regulations under clause  
6                   (i), the Secretary shall promulgate in-  
7                   terim or final regulations.

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

21                  “(iii) REPORT TO CONGRESS.—Not  
22                  later than 90 days after the date of enact-  
23                  ment of this paragraph, and each 90 days  
24                  thereafter until the Secretary has promul-  
25                  gated interim or final regulations under

1 clause (ii), the Secretary shall submit to  
2 the Committee on Education and Labor of  
3 the House of Representatives and the  
4 Committee on Agriculture, Nutrition, and  
5 Forestry of the Senate a quarterly report  
6 on progress made toward promulgation of  
7 the regulations described in this subpara-  
8 graph.

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

18 “(C) ADDITIONAL REIMBURSEMENT.—

19 “(i) IN GENERAL.—Each lunch served  
20 in school food authorities determined to be  
21 eligible under subparagraph (D) shall re-  
22 ceive an additional 6 cents, adjusted in ac-  
23 cordance with section 11(a)(3), to the na-  
24 tional lunch average payment for each  
25 lunch served.

1                   “(ii) DISBURSEMENT.—The State  
2                   agency shall disburse funds made available  
3                   under this paragraph to school food au-  
4                   thorities eligible to receive additional reim-  
5                   bursement.

6                   “(D) ELIGIBLE SCHOOL FOOD AUTHOR-  
7                   ITY.—To be eligible to receive an additional re-  
8                   imbursement described in this paragraph, a  
9                   school food authority shall be certified by the  
10                  State to be in compliance with the interim or  
11                  final regulations promulgated under subpara-  
12                  graph (A)(ii).

13                  “(E) FAILURE TO COMPLY.—Beginning on  
14                  the later of the date described in subparagraph  
15                  (A)(ii)(II), the date of enactment of this para-  
16                  graph, or October 1, 2012, school food authori-  
17                  ties found to be out of compliance with the  
18                  meal patterns or nutrition standards established  
19                  by the interim or final regulations shall not re-  
20                  ceive the additional reimbursement for each  
21                  lunch served described in this paragraph.

22                  “(F) ADMINISTRATIVE COSTS.—

23                         “(i) IN GENERAL.—Subject to clauses  
24                         (ii) and (iii), the Secretary shall make  
25                         funds available to States for State activi-

1 ties related to the training, technical as-  
2 sistance, certification, and oversight activi-  
3 ties of this paragraph.

4 “(ii) PROVISION OF FUNDS.—The  
5 Secretary shall provide funds described in  
6 clause (i) to States administering a school  
7 lunch program in a manner proportional  
8 with each State’s administrative expense  
9 allocation under section 7(a)(2) of the  
10 Child Nutrition Act of 1966 (42 U.S.C.  
11 1776(a)(2)).

12 “(iii) FUNDING.—

13 “(I) IN GENERAL.—In the later  
14 of the fiscal year in which the interim  
15 or final regulations described in sub-  
16 paragraph (A)(ii) are promulgated or  
17 the fiscal year in which this para-  
18 graph is enacted, and in the subse-  
19 quent fiscal year, the Secretary shall  
20 use not more than \$50,000,000 of  
21 funds made available under section 3  
22 to make payments to States described  
23 in clause (i).

24 “(II) RESERVATION.—In pro-  
25 viding funds to States under clause

1 (i), the Secretary may reserve not  
2 more than \$3,000,000 per fiscal year  
3 to support Federal administrative ac-  
4 tivities to carry out this paragraph.”.

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

6 (a) IN GENERAL.—Section 9(a)(2)(A) of the Richard  
7 B. Russell National School Lunch Act (42 U.S.C.  
8 1758(a)(2)(A)) is amended by amending clause (i) to read  
9 as follows:

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

18 (b) NOTICE.—Section 9(a)(2)(B) of the Richard B.  
19 Russell National School Lunch Act (42 U.S.C.  
20 1758(a)(2)(B)) is amended by amending clause (ii) to  
21 read as follows:

22 “(ii) NOTICE.—The substitutions may  
23 be made if the school notifies the State  
24 agency that the school is implementing a  
25 variation allowed under this subparagraph,

1 and if the substitution is requested by a  
2 medical authority or by a student's parent  
3 or legal guardian, except that the school  
4 shall not be required to provide beverages  
5 other than beverages the school has identi-  
6 fied as acceptable substitutes.”.

7 **SEC. 203. WATER.**

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

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

16 **SEC. 204. NUTRITION STANDARDS FOR ALL FOODS SOLD IN**  
17 **SCHOOL.**

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

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

23 **“SEC. 10. REGULATIONS.**

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

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

3           “(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

4           “(1) REGULATIONS.—

5           “(A) IN GENERAL.—The Secretary shall  
6 establish science-based nutrition standards for  
7 foods sold in schools other than foods provided  
8 under this Act and the Richard B. Russell Na-  
9 tional School Lunch Act (42 U.S.C. 1751 et  
10 seq.).

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

13           “(i) outside the school meal programs  
14 under this Act and the Richard B. Russell  
15 National School Lunch Act (42 U.S.C.  
16 1751 et seq.);

17           “(ii) on the school campus; and

18           “(iii) at any time during the extended  
19 school day, including the official school day  
20 and the time before and after the official  
21 school day when events or activities are  
22 primarily under the control of the school or  
23 a third party on behalf of the school, ex-  
24 cept for school-sponsored events or activi-  
25 ties before and after the official school day



1 where parents and adults are a significant  
2 proportion of the participants or the audi-  
3 ence.

4 “(C) REQUIREMENTS.—In establishing nu-  
5 trition standards under this paragraph, the Sec-  
6 retary shall—

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

17 “(ii) consider—

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

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

24 “(III) the practical application of  
25 the nutrition standards; and

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

9                   “(aa) are infrequent within  
10 the school during the official  
11 school day; or

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

14                   “(D) UPDATING STANDARDS.—As soon as  
15 practicable after the date of publication by the  
16 Department of Agriculture and the Department  
17 of Health and Human Services of a new edition  
18 of the Dietary Guidelines, the Secretary shall  
19 review and update as necessary the school nu-  
20 trition standards and requirements established  
21 under this subsection.

22                   “(2) IMPLEMENTATION.—

23                   “(A) PROPOSED REGULATIONS.—Not later  
24 than 18 months after the date of enactment of  
25 the Improving Nutrition for America’s Children

1 Act, the Secretary shall promulgate proposed  
2 regulations to carry out paragraph (1).

3 “(B) EFFECTIVE DATE.—Not later than  
4 18 months after promulgating proposed regula-  
5 tions, the Secretary shall promulgate interim  
6 final regulations or final regulations to carry  
7 out paragraph (1) that shall take effect at the  
8 beginning of the school year that is not earlier  
9 than 1 year and not later than 2 years fol-  
10 lowing the date on which the interim final regu-  
11 lations or final regulations, as applicable, are  
12 published in the Federal Register.

13 “(C) REPORTING.—The Secretary shall  
14 submit to the Committee on Education and  
15 Labor of the House of Representatives and the  
16 Committee on Agriculture, Nutrition, and For-  
17 estry of the Senate a quarterly report that de-  
18 scribes progress made toward promulgating  
19 final regulations under this subsection.”.

20 **SEC. 205. LOCAL SCHOOL WELLNESS POLICY IMPLEMENTA-**  
21 **TION.**

22 (a) IN GENERAL.—The Richard B. Russell National  
23 School Lunch Act is amended by inserting after section  
24 9 (42 U.S.C. 1758) the following:

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

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

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

11               “(1) goals for nutrition promotion and edu-  
12 cation, physical activity and education, and other  
13 school-based activities that promote student  
14 wellness;

15               “(2) nutrition guidelines for all foods available  
16 on each school campus under the jurisdiction of the  
17 local educational agency during the school day  
18 that—

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

23                       “(B) promote student health and wellness;

24               “(3) a requirement that the local educational  
25 agency designate a standing local wellness policy  
26 committee comprised of parents, students, represent-

1       atives of the school food authority, teachers of phys-  
2       ical education, school health professionals, the school  
3       board, school administrators, and the general public  
4       to participate in the development, implementation,  
5       and periodic review and update of the local school  
6       wellness policy;

7               “(4) a requirement that the local educational  
8       agency inform and update the public (including par-  
9       ents, students, and others in the community) about  
10      the content and progress on the implementation of  
11      the local school wellness policy; and

12              “(5) a requirement that the local educational  
13      agency—

14                      “(A) periodically measure and make avail-  
15                      able to the public an assessment on the imple-  
16                      mentation of the local school wellness policy, in-  
17                      cluding—

18                              “(i) the extent to which schools under  
19                              the jurisdiction of the local educational  
20                              agency are in compliance with the local  
21                              school wellness policy;

22                              “(ii) the extent to which the local  
23                              school wellness policy of the local edu-  
24                              cational agency compares to model local  
25                              school wellness policies;

1           “(iii) a description of the progress  
2           made in attaining the goals of the local  
3           school wellness policy; and

4           “(iv) any proposed changes to the  
5           local school wellness policy based on the  
6           periodic assessment under this paragraph;  
7           and

8           “(B) designate 1 or more local educational  
9           agency officials or school officials, as appro-  
10          priate, to ensure that each school complies with  
11          the local school wellness policy.

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

17          “(d) TECHNICAL ASSISTANCE AND BEST PRAC-  
18          TICES.—

19                 “(1) IN GENERAL.—The Secretary, in consulta-  
20          tion with the Secretary of Education and the Sec-  
21          retary of Health and Human Services, acting  
22          through the Centers for Disease Control and Preven-  
23          tion, shall provide information and technical assist-  
24          ance to local educational agencies, school food au-  
25          thorities, and State educational agencies for use in

1       establishing healthy school environments that are in-  
2       tended to promote student health and wellness.

3           “(2) CONTENT.—The Secretary shall provide  
4       technical assistance that—

5           “(A) includes resources and training on de-  
6       signing, promoting, implementing, dissemi-  
7       nating, and evaluating local school wellness  
8       policies and overcoming barriers to the adoption  
9       of local school wellness policies;

10          “(B) includes model local school wellness  
11       policies and best practices recommended by  
12       Federal agencies, State agencies, and non-  
13       governmental organizations;

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

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

19          “(3) FUNDING.—

20          “(A) IN GENERAL.—On October 1, 2010,  
21       and on each October 1 thereafter through Octo-  
22       ber 1, 2014, out of any funds in the Treasury  
23       not otherwise appropriated, the Secretary of the  
24       Treasury shall transfer to the Secretary to

1 carry out this subsection \$500,000, to remain  
2 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 this paragraph  
6 the funds transferred under subparagraph (A),  
7 without further appropriation.

8 “(e) REPORT.—

9 “(1) IN GENERAL.—Subject to the availability  
10 of appropriations to carry out this subsection, the  
11 Secretary, in conjunction with the Secretary of Edu-  
12 cation and the Secretary of Health and Human  
13 Services (acting through Director of the Centers for  
14 Disease Control and Prevention), shall conduct a  
15 study and prepare a report on the implementation,  
16 strength, and effectiveness of the local school  
17 wellness policies carried out in accordance with this  
18 section.

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

22 “(A) an analysis of the strength and weak-  
23 nesses of local school wellness policies and how  
24 the policies compare with model local wellness



1 policies recommended under subsection  
2 (d)(2)(B); and

3 “(B) an assessment of the impact of the  
4 local school wellness policies in addressing the  
5 requirements of subsection (b).

6 “(3) REPORT.—Not later than January 1,  
7 2014, the Secretary shall submit to the Committee  
8 on Education and Labor of the House of Represent-  
9 atives and the Committee on Agriculture, Nutrition,  
10 and Forestry of the Senate, a report that describes  
11 the findings of the study.

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

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

19 **SEC. 206. INFORMATION ON THE SCHOOL WELLNESS ENVI-**  
20 **RONMENT.**

21 Section 9A of the Richard B. Russell School Lunch  
22 Act (42 U.S.C. 1758) is amended by adding at the end  
23 the following:

24 “(f) INFORMATION ON THE SCHOOL WELLNESS EN-  
25 VIRONMENT.—

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, shall estab-  
4           lish requirements for local educational agencies and  
5           States participating in the lunch program under this  
6           Act to report, on a periodic basis, to the Secretary  
7           and the general public, information about the school  
8           wellness environment with respect to all schools  
9           under the jurisdiction of such agencies and States.

10           “(2) REQUIREMENTS.—In establishing report-  
11           ing requirements under paragraph (1), the Secretary  
12           shall require each local educational agency described  
13           in such paragraph to report on—

14                   “(A) information pertaining to the school  
15                   nutrition programs, including food safety in-  
16                   spections, local wellness policies, meal program  
17                   participation, the nutritional quality of program  
18                   meals, nutrition education, and other informa-  
19                   tion as determined by the Secretary; and

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

22                           “(i) whether all elementary school and  
23                           secondary school students enrolled in the  
24                           schools under the jurisdiction of such agen-

1 cy meet age-appropriate physical education  
2 recommendations, consistent with—

3 “(I) national guidelines estab-  
4 lished by the Centers for Disease Con-  
5 trol and Prevention of the Depart-  
6 ment of Health and Human Services;  
7 or

8 “(II) the requirements of the  
9 State in which the schools are located;

10 “(ii) a description of the amount of  
11 time that such students are required to  
12 spend in physical education, disaggregated  
13 by grade level, including information on  
14 criteria—

15 “(I) for granting students a  
16 waiver or exemption; or

17 “(II) allowing a substitution for  
18 the requirement; and

19 “(iii) any such other information re-  
20 lated to physical activity and education as  
21 determined by the Secretary.

22 “(3) REPORTING.—

23 “(A) LOCAL EDUCATIONAL AGENCY.—

24 Each local educational agency described in  
25 paragraph (1) shall report to the applicable

1 State and the general public, the information  
2 described in paragraphs (1) and (2), in accord-  
3 ance with paragraph (4).

4 “(B) STATE.—Each State receiving infor-  
5 mation under subparagraph (A) shall report  
6 such information to the Secretary, in accord-  
7 ance with paragraph (4).

8 “(C) PUBLIC ACCESS.—The Secretary  
9 shall make publicly available the information re-  
10 ceived from each State under subparagraph  
11 (B).

12 “(4) REPORTING REQUIREMENTS.—The Sec-  
13 retary shall establish requirements for reporting  
14 under subparagraphs (A) and (B) of paragraph (3)  
15 that—

16 “(A) ensure that the information described  
17 in paragraph (2) is reported in such way that  
18 prevents unnecessary or duplicative reporting  
19 by a local educational agency or State; and

20 “(B) require any information reported to  
21 the general public under paragraph (3)(A) to be  
22 reported in an accessible, plain-language man-  
23 ner.

24 “(5) TECHNICAL ASSISTANCE.—The Secretary  
25 shall provide technical assistance to States and local

1 educational agencies on meeting the requirements of  
2 this subsection.”.

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

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

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

8 “(a) IN GENERAL.—On October 1, 2010, and each  
9 October 1 thereafter, the Secretary shall make payments  
10 for each fiscal year to each State agency administering  
11 the lunch program under this Act, in accordance with sub-  
12 section (b)(1), to promote nutrition and wellness in food  
13 service programs under this Act and the school breakfast  
14 program established under section 4 of the Child Nutrition  
15 Act of 1966 (42 U.S.C. 1773).

16 “(b) STATE NUTRITION PROMOTION FUNDING.—

17 “(1) IN GENERAL.—The Secretary shall provide  
18 each State agency described in subsection (a) a pay-  
19 ment for each fiscal year in an amount equal to ½  
20 cent per lunch reimbursed through the lunch pro-  
21 gram under this Act during the second preceding fis-  
22 cal year in the State, to carry out the nutrition and  
23 wellness promotion activities described in paragraph  
24 (2).

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

5                   “(A) support nutrition education and nu-  
6                   trition promotion, including through materials  
7                   provided by the Secretary;

8                   “(B) provide technical assistance and guid-  
9                   ance to—

10                           “(i) support compliance with the nu-  
11                           tritional requirements for—

12                                   “(I) the school lunch program  
13                                   under this Act;

14                                   “(II) the school breakfast pro-  
15                                   gram under section 4 of the Child Nu-  
16                                   trition Act of 1966 (42 U.S.C. 1773);  
17                                   and

18                                   “(III) foods sold outside of the  
19                                   school lunch program and school  
20                                   breakfast program in accordance with  
21                                   section 10 of the Child Nutrition Act  
22                                   of 1966 (42 U.S.C. 1779);

23                                   “(ii) encourage healthy eating by chil-  
24                                   dren consistent with the most recent Die-  
25                                   tary Guidelines for Americans published

1 under section 301 of the National Nutri-  
2 tion Monitoring and Related Research Act  
3 of 1990 (7 U.S.C. 5341);

4 “(iii) promote student participation in  
5 the school lunch program and the school  
6 breakfast program;

7 “(iv) promote age-appropriate oppor-  
8 tunities for children to be physically active;  
9 and

10 “(v) support the development, imple-  
11 mentation assessment, and reporting of  
12 local wellness policies established under  
13 section 9A; and

14 “(C) provide subgrants to local educational  
15 agencies to support activities described under  
16 this paragraph based on guidance provided by  
17 the Secretary;

18 “(D) facilitate coordination and informa-  
19 tion sharing across Federal child nutrition pro-  
20 grams in the State;

21 “(E) coordinate with any team nutrition  
22 network activities conducted under section 19 of  
23 the Child Nutrition Act of 1966 (42 U.S.C.  
24 1788); and

1                   “(F) such other purposes as determined by  
2                   the Secretary.

3                   “(3) DOCUMENTATION.—A State agency receiv-  
4                   ing funds under this section shall maintain docu-  
5                   mentation of the nutrition and wellness promotion  
6                   activities carried out under this section and report  
7                   such information to the Secretary at such time and  
8                   in such manner as the Secretary may require.

9                   “(c) REALLOCATION.—The Secretary may reallocate  
10                  to carry out this section, any amount made available to  
11                  carry out this section that are not obligated or expended,  
12                  as determined by the Secretary.

13                  “(d) REPORT.—Not later than October 1, 2014, the  
14                  Secretary shall submit to the Committee on Education and  
15                  Labor of the House of Representatives and the Committee  
16                  on Agriculture, Nutrition, and Forestry of the Senate a  
17                  report describing and assessing the school nutrition and  
18                  wellness promotion activities and initiatives carried out  
19                  under this section.

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



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

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

4 (1) by redesignating subsections (h) through (j)  
5 (as added by section 145) as subsections (j) through  
6 (l), respectively;

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

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

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

15 “(A) a school or institution that partici-  
16 pates in the school lunch program under this  
17 Act or the school breakfast program established  
18 under section 4 of the Child Nutrition Act of  
19 1966 (42 U.S.C. 1773);

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

23 “(C) an Indian tribal organization; or

24 “(D) an agricultural producer or a group  
25 of agricultural producers.

26 “(2) FARM-TO-SCHOOL GRANTS.—

1           “(A) IN GENERAL.—The Secretary shall  
2 provide assistance to eligible entities through  
3 competitive grants to implement farm-to-school  
4 activities that improve access to local foods in  
5 eligible schools.

6           “(B) FARM-TO-SCHOOL ACTIVITIES.—A  
7 grant awarded under this subsection may be  
8 used for farm-to-school activities including—

9                   “(i) the planning, design, and estab-  
10 lishment of farm-to-school activities by  
11 linking school and institutional food service  
12 providers, distributors, and agricultural  
13 producers or groups of agricultural pro-  
14 ducers for sustainable farm-to-school ac-  
15 tivities;

16                   “(ii) the planning, implementation,  
17 and maintenance of school gardens;

18                   “(iii) the acquisition of appropriate  
19 equipment, as determined by the Sec-  
20 retary;

21                   “(iv) the provision of training and  
22 education necessary for the planning, im-  
23 plementation, and maintenance of farm-to-  
24 school activities; and

1                   “(v) other activities as determined by  
2                   the Secretary.

3                   “(3) ADMINISTRATION.—

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

6                   “(B) FEDERAL SHARE.—

7                   “(i) IN GENERAL.—The Federal share  
8                   of costs for farm-to-school activities funded  
9                   through a grant awarded under this sub-  
10                  section shall not exceed 75 percent of the  
11                  total cost of the activities.

12                  “(ii) FEDERAL MATCHING.—As a con-  
13                  dition of receiving a grant under this sub-  
14                  section, a grant recipient shall provide sup-  
15                  port that is not less than 25 percent of the  
16                  total cost of farm-to- school activities fund-  
17                  ed by the grant in the form of cash or in-  
18                  kind contributions, including facilities,  
19                  equipment, or services provided by State  
20                  and local governments, nonprofit organiza-  
21                  tions, and private sources.

22                  “(C) GRANT DURATION.—A grant under  
23                  this subsection shall be awarded for a period  
24                  not to exceed 2 years.

1           “(D) REGIONAL BALANCE.—In making  
2 awards under this subsection, the Secretary  
3 shall, to the maximum extent practicable, en-  
4 sure—

5                   “(i) geographical diversity; and

6                   “(ii) proportional distribution among  
7 urban, rural, and tribal communities.

8           “(E) PEER REVIEW OF APPLICATIONS.—  
9 The Secretary shall form review panels con-  
10 sisting of representatives from related public  
11 and private agencies or organizations, as deter-  
12 mined by the Secretary, to evaluate applications  
13 based on criteria for selection described under  
14 paragraph (4).

15           “(4) CRITERIA FOR SELECTION.—To the max-  
16 imum extent practicable, in providing assistance  
17 under this subsection, the Secretary shall give the  
18 highest priority to funding farm-to-school activities  
19 that, as determined by the Secretary—

20                   “(A) make local food products from small  
21 and medium-sized farms available on the school  
22 menu for the school lunch program under this  
23 Act or the school breakfast program under sec-  
24 tion 4 of the Child Nutrition Act of 1966 (42  
25 U.S.C. 1773);

1           “(B) serve a high proportion of children  
2           who are certified as eligible for free or reduced  
3           price lunches;

4           “(C) incorporate experiential nutrition edu-  
5           cation activities in curriculum planning that en-  
6           courage the participation of school children in  
7           farm- and garden-based agricultural education  
8           activities;

9           “(D) demonstrate collaboration among eli-  
10          gible entities;

11          “(E) include adequate and participatory  
12          evaluation plans;

13          “(F) demonstrate the potential for long-  
14          term program sustainability;

15          “(G) promote the nutritional health of chil-  
16          dren by making available foods consistent with  
17          the goals of the most recent Dietary Guidelines  
18          for Americans published under section 301 of  
19          the National Nutrition Monitoring and Related  
20          Research Act of 1990 (7 U.S.C. 5341); and

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

23          “(5) EVALUATION.—As a condition of receiving  
24          a grant under this subsection, each grant recipient

1 shall agree to cooperate in an evaluation by the Sec-  
2 retary of the program carried out using grant funds.

3 “(6) TECHNICAL ASSISTANCE.—The Secretary  
4 shall provide technical assistance and information to  
5 assist eligible entities—

6 “(A) to facilitate the coordination and  
7 sharing of information and resources in the De-  
8 partment that may be applicable to a farm-to-  
9 school activity funded under this subsection;

10 “(B) to collect and share information on  
11 best practices; and

12 “(C) to disseminate research and data on  
13 existing farm-to-school activities and the poten-  
14 tial for farm-to-school activities in underserved  
15 areas.

16 “(7) REPORTING.—No later than 4 years after  
17 enactment of this section, the Secretary shall submit  
18 to the Committee on Education and Labor of the  
19 House of Representatives and the Committee on Ag-  
20 riculture, Nutrition, and Forestry of the Senate a  
21 report describing the farm-to-school activities funded  
22 under this section and the results of the evaluation  
23 conducted under paragraph (5).

24 “(8) FUNDING.—

1           “(A) IN GENERAL.—On October 1, 2010,  
2           and each succeeding October 1 through October  
3           1, 2014, out of any funds in the Treasury not  
4           otherwise appropriated, the Secretary of the  
5           Treasury shall transfer to the Secretary to  
6           carry out this subsection \$10,000,000, to re-  
7           main available until expended.

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

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

18          “(h) PILOT PROGRAM FOR HIGH-POVERTY  
19          SCHOOLS.—

20                 “(1) IN GENERAL.—”;

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

23                         (A) in subparagraph (F) of paragraph (1)  
24                         (as so redesignated), by striking “in accordance

1 with paragraph (1)(H)” and inserting “carried  
2 out by the Secretary”; and

3 (B) by redesignating paragraph (4) as  
4 paragraph (2); and

5 (4) by inserting after subsection (h), the fol-  
6 lowing:

7 “(i) INFORMATION EXCHANGE.—

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

15 “(A) publicly accessible through the Inter-  
16 net; and

17 “(B) updated as appropriate to ensure the  
18 information is current.

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

22 “(A) an inventory of existing farm-to-  
23 school activities, including the activities de-  
24 scribed in subsection (g), in the United States;  
25 and



1           “(B) best practices of farm-to-school ac-  
2           tivities in schools and institutions participating  
3           in programs under this Act, as determined by  
4           the Secretary.

5           “(3) FUNDING.—

6           “(A) IN GENERAL.—Out of funds in the  
7           Treasury not otherwise appropriated, the Sec-  
8           retary of the Treasury shall transfer to the Sec-  
9           retary to carry out this subsection—

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

11                   and

12                   “(ii) on October 1, 2011, October 1,  
13                   2012, and October 1, 2013, \$100,000.

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           **Subtitle B—Child and Adult Care**  
20           **Food Program**

21           **SEC. 221. NUTRITION AND WELLNESS GOALS FOR MEALS**  
22                   **SERVED THROUGH THE CHILD AND ADULT**  
23                   **CARE FOOD PROGRAM.**

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

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

4           “(a) PROGRAM PURPOSE, GRANT AUTHORITY AND  
5           INSTITUTION ELIGIBILITY.—

6           “(1) IN GENERAL.—

7           “(A) PROGRAM PURPOSE.—The purpose of  
8           the program authorized by this section is to  
9           provide aid to child and adult care institutions  
10          for the provision of nutritious foods that con-  
11          tribute to the wellness, healthy growth, and de-  
12          velopment of young children, and the health  
13          and wellness of older adults and chronically im-  
14          paired disabled persons.

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

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

23          “(g) NUTRITIONAL REQUIREMENTS FOR MEALS AND  
24          SUPPLEMENTS SERVED IN INSTITUTIONS AND FAMILY OR  
25          GROUP DAY CARE HOMES.—

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

7           “(2) NUTRITIONAL REQUIREMENTS.—

8                   “(A) IN GENERAL.—Except as provided in  
9                   subparagraph (C), reimbursable meals and sup-  
10                  plements served by institutions, family or group  
11                  day care homes, and sponsored centers partici-  
12                  pating in the program under this section shall  
13                  consist of a combination of foods that meet nu-  
14                  tritional requirements prescribed by the Sec-  
15                  retary on the basis of tested nutritional re-  
16                  search.

17                   “(B) CONFORMITY WITH THE DIETARY  
18                  GUIDELINES AND AUTHORITATIVE SCIENCE.—

19                           “(i) IN GENERAL.—Not less fre-  
20                           quently than once every 10 years, the Sec-  
21                           retary shall review and, as appropriate, up-  
22                           date nutritional requirements for meals  
23                           and supplements served under the program  
24                           under this section to ensure that the meals  
25                           and supplements—

1                   “(I) are consistent with the goals  
2                   of the most recent Dietary Guidelines;  
3                   and

4                   “(II) promote the health of the  
5                   population served by the program au-  
6                   thorized under this section, as indi-  
7                   cated by recommendations by appro-  
8                   priate authoritative scientific agencies  
9                   and organizations.

10                  “(ii) COST REVIEW.—The review re-  
11                  quired under clause (i) shall include a re-  
12                  view of the cost to institutions, family or  
13                  group day care homes, and sponsored cen-  
14                  ters, resulting from updated requirements  
15                  for meals and supplements served under  
16                  the program under this section.

17                  “(iii) REGULATIONS.—

18                  “(I) PROPOSED RULE.—Not later  
19                  than 18 months after the completion  
20                  of the review of the nutritional re-  
21                  quirements under clause (i), the Sec-  
22                  retary shall promulgate proposed reg-  
23                  ulations to update the nutritional re-  
24                  quirements for meals and supplements

1 served under the program under this  
2 section.

3 “(II) CONSIDERATION.—The  
4 Secretary shall demonstrate consider-  
5 ation for the financial and administra-  
6 tive impact to institutions, family or  
7 group day care homes, and sponsored  
8 centers resulting from any proposed  
9 changes to the nutritional require-  
10 ments for meals and supplements in  
11 the regulations described in subclause  
12 (I).

13 “(C) EXCEPTIONS.—

14 “(i) SPECIAL DIETARY NEEDS.—The  
15 minimum nutritional requirements pre-  
16 scribed under subparagraph (A) shall not  
17 prohibit institutions, family or group day  
18 care homes, and sponsored centers from  
19 substituting foods to accommodate the  
20 medical or other special dietary needs of  
21 individual participants.

22 “(ii) EXEMPT INSTITUTIONS.—The  
23 Secretary may elect to waive all or part of  
24 the requirements of this subsection for

1 emergency shelters participating in the  
2 program under this section.

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

7 “(4) FLUID MILK.—

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

17 “(B) MILK SUBSTITUTES.—In the case of  
18 children who cannot consume fluid milk due to  
19 medical or other special dietary needs other  
20 than a disability, an institution, family or group  
21 day care home, or sponsored center may sub-  
22 stitute for the fluid milk in meals or supple-  
23 ments served, a nondairy beverage that—

24 “(i) is nutritionally equivalent to fluid  
25 milk; and

1           “(ii) meets nutritional standards es-  
2           tablished by the Secretary, including,  
3           among other requirements established by  
4           the Secretary, fortification of calcium, pro-  
5           tein, vitamin A, and vitamin D to levels  
6           found in cow’s milk.

7           “(C) APPROVAL.—

8           “(i) IN GENERAL.—A substitution au-  
9           thorized under subparagraph (B) may be  
10          made—

11           “(I) at the discretion of and on  
12           approval by the participating institu-  
13           tion, family or group day care home,  
14           or sponsored center; and

15           “(II) if the substitution is re-  
16           quested by a medical authority, or by  
17           the parent or legal guardian of the  
18           child.

19           “(ii) EXCEPTION.—An institution,  
20           family or group day care home, or spon-  
21           sored center that elects to make a substi-  
22           tution authorized under this paragraph  
23           shall not provide beverages other than bev-  
24           erages the State has identified as accept-  
25           able substitutes.

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

5                   “(i) are incurred by the institution,  
6                   family or group day care home, or spon-  
7                   sored center to provide substitutions under  
8                   this paragraph; and

9                   “(ii) are in excess of expenses covered  
10                  under reimbursements under this Act.

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

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

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

25                   “(B) donated by the Secretary;



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

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

7           “(u) PROMOTING HEALTH AND WELLNESS IN CHILD  
8 CARE.—

9           “(1) IN GENERAL.—The Secretary shall assist  
10          participating institutions, family or group day care  
11          homes, and sponsored centers through technical as-  
12          sistance, guidance, and competitive grants for the  
13          purpose of promoting the health and nutrition of  
14          children in child care settings.

15          “(2) TECHNICAL ASSISTANCE, GUIDANCE, AND  
16 RECOGNITION.—

17                 “(A) NUTRITION.—The Secretary shall  
18                 provide technical assistance and guidance to in-  
19                 stitutions, family or group day care homes, and  
20                 sponsored centers, participating in the program  
21                 under this section to support compliance with  
22                 the nutrition requirements described in sub-  
23                 section (g), which shall include technical assist-  
24                 ance and guidance with respect to—

25                         “(i) menu planning;

1 “(ii) interpretation of nutrition infor-  
2 mation; and

3 “(iii) food preparation and purchasing  
4 guidance to produce meals and supple-  
5 ments that—

6 “(I) are consistent with the goals  
7 of the most recent Dietary Guidelines  
8 for Americans published under section  
9 301 of the National Nutrition Moni-  
10 toring and Related Research Act of  
11 1990 (7 U.S.C. 5341) (in this sub-  
12 section referred to as the ‘Dietary  
13 Guidelines’); and

14 “(II) promote the health of the  
15 population served by the program  
16 under this section, as recommended  
17 by authoritative scientific organiza-  
18 tions; and

19 “(iv) other activities related to compli-  
20 ance with the nutrition requirements under  
21 subsection (g), as determined by the Sec-  
22 retary.

23 “(B) WELLNESS PROMOTION.—Not later  
24 than January 1, 2012, in consultation with the  
25 Secretary of Health and Human Services, the

1 Secretary shall provide technical assistance and  
2 guidance to assist State agencies and institu-  
3 tions, family and group day care homes, and  
4 sponsored centers, participating in the program  
5 under this section to—

6 “(i) promote access to foods that are  
7 recommended for consumption by the most  
8 recent Dietary Guidelines;

9 “(ii) encourage opportunities for age-  
10 appropriate physical activity and physical  
11 development in quantities and at levels rec-  
12 ommended by the most recent Dietary  
13 Guidelines and the Secretary of Health  
14 and Human Services with—

15 “(I) information on the impor-  
16 tance of regular age-appropriate phys-  
17 ical activity for health and well-being  
18 based on authoritative scientific rec-  
19 ommendations; and

20 “(II) best practices for the imple-  
21 mentation of such recommendations  
22 for physical activity in child care set-  
23 tings;

24 “(iii) encourage adherence to age-ap-  
25 propriate electronic media use by children

1 based on authoritative scientific rec-  
2 ommendation with—

3 “(I) information on the impor-  
4 tance of age-appropriate use, includ-  
5 ing limitations, of electronic media;  
6 and

7 “(II) best practices for imple-  
8 mentation of such recommendations in  
9 child care settings;

10 “(iv) encourage the engagement of  
11 parents in nutrition and wellness initiatives  
12 for children; and

13 “(v) promote other nutrition and  
14 wellness initiatives, as determined by the  
15 Secretary.

16 “(C) RECOGNITION.—The Secretary, in  
17 consultation with the Secretary of Health and  
18 Human Services, shall establish a program to  
19 recognize State agencies, institutions, family or  
20 group day care homes, and sponsored centers  
21 participating in the program under this section  
22 that demonstrate a comprehensive and innova-  
23 tive approach to promoting nutrition and  
24 wellness in child care settings by—

1           “(i) providing healthful and develop-  
2           mentally appropriate meals and supple-  
3           ments consistent with the nutrition re-  
4           quirements of the program under this sec-  
5           tion;

6           “(ii) providing regular opportunities  
7           for developmentally appropriate physical  
8           activity;

9           “(iii) adhering to developmentally ap-  
10          propriate guidelines for use of electronic  
11          media;

12          “(iv) engaging parents in nutrition  
13          and wellness initiatives for children; and

14          “(v) other nutrition and wellness ini-  
15          tiatives, as determined by the Secretary.

16          “(D) 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 this paragraph  
22                 \$10,000,000, 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 this  
2 subsection the funds transferred under  
3 clause (i), without further appropriation.

4 “(3) COMPETITIVE GRANTS.—

5 “(A) GRANTS TO STATE AGENCIES.—From  
6 the funds made available under subparagraph  
7 (G), the Secretary shall award grants, on a  
8 competitive basis, to State agencies partici-  
9 pating in the program under this section for the  
10 purpose of promoting health and nutrition in  
11 child care settings.

12 “(B) PRIORITY.—In awarding grants  
13 under this paragraph, the Secretary shall give  
14 priority to State agencies administering projects  
15 under the program that carry out each of the  
16 authorized uses of funds described in subpara-  
17 graph (C)(ii).

18 “(C) USES OF FUNDS.—

19 “(i) REQUIRED USES.—A State agen-  
20 cy receiving a grant under this paragraph  
21 shall use not less than 50 percent of such  
22 grant funds to award subgrants to institu-  
23 tions, including sponsoring organizations,  
24 for the purpose of carrying out the activi-  
25 ties described in clause (ii).

1           “(ii) AUTHORIZED USES.—In addition  
2           to such other activities as the Secretary de-  
3           termines to be appropriate, State agencies  
4           and institutions may use funds received  
5           under this paragraph for activities that—

6                   “(I) promote nutrition and phys-  
7                   ical activity in child care settings that  
8                   reflect the recommendations of—

9                           “(aa) the most recent  
10                           version of the Dietary Guidelines  
11                           for Americans published under  
12                           section 301 of the National Nu-  
13                           trition Monitoring and Related  
14                           Research Act of 1990 (7 U.S.C.  
15                           5341); and

16                           “(bb) authoritative scientific  
17                           recommendations;

18                           “(II) provide technical assistance  
19                           and training to sponsors and pro-  
20                           viders of child care centers and family  
21                           or group day care homes in imple-  
22                           menting State or local initiatives de-  
23                           signed to improve the health and nu-  
24                           trition of children in child care set-  
25                           tings;

1           “(III) perform outreach cam-  
2           paigns on the State or local level that  
3           are designed to increase access to the  
4           program in underserved areas and  
5           populations, including subsidized child  
6           care providers; and

7           “(IV) make innovative use of  
8           technology to provide training and  
9           education to promote the nutrition,  
10          physical activity, and health of chil-  
11          dren.

12          “(D) APPLICATION.—To be eligible to re-  
13          ceive a grant under this paragraph, a State  
14          agency shall submit an application to the Sec-  
15          retary at such time, in such manner, and con-  
16          taining such information as the Secretary may  
17          require, which shall include—

18                 “(i) a plan to promote child care set-  
19                 tings that encourage healthful behaviors,  
20                 including improvements to the quality of  
21                 meals and supplements provided in institu-  
22                 tions, family or group day care homes, and  
23                 sponsored centers; and

24                 “(ii) a description of—



1                   “(I) the procedures by which the  
2                   State agency will use the grant to  
3                   award subgrants to institutions; and

4                   “(II) the criteria that the State  
5                   agency will use in awarding such sub-  
6                   grants.

7                   “(E) REPORTING.—Any State agency re-  
8                   ceiving a grant under this paragraph shall sub-  
9                   mit a report to the Secretary at such time, in  
10                  such manner, and containing such information  
11                  as the Secretary may require that, at a min-  
12                  imum, shall include—

13                  “(i) a description of the activities sup-  
14                  ported with funds under this paragraph;

15                  “(ii) the progress of implementing the  
16                  activities; and

17                  “(iii) the outcome of the activities.

18                  “(F) BEST PRACTICES.—The Secretary  
19                  shall provide to State agencies and institutions  
20                  best practices for implementing effective nutri-  
21                  tion and wellness initiatives, including best  
22                  practices for implementing the activities sup-  
23                  ported with funds under this paragraph.

24                  “(G) 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           \$25,000,000 to remain available until ex-  
7           pended to carry out this paragraph to re-  
8           main available until expended.

9           “(ii) RECEIPT AND ACCEPTANCE.—  
10          The Secretary shall be entitled to receive,  
11          shall accept, and shall use to carry out this  
12          paragraph the funds transferred under  
13          clause (i) without further appropriation.

14          “(4) ADDITIONAL INFORMATION.—The Sec-  
15          retary, in consultation with the Secretary of Health  
16          and Human Services, shall make available informa-  
17          tion to State agencies and institutions, family and  
18          group day care homes, and sponsored centers par-  
19          ticipating in the program under this section on com-  
20          mon food-related choking hazards and avoiding food  
21          choking by young children.”.

22       **SEC. 222. STUDY ON NUTRITION AND WELLNESS QUALITY**  
23                               **OF CHILD CARE SETTINGS.**

24          (a) IN GENERAL.—Not less than 3 years after the  
25          date of enactment of this Act, the Secretary, in consulta-

1 tion with the Secretary of Health and Human Services,  
2 shall enter into a contract for the conduct of a nationally  
3 representative study of child care centers and family or  
4 group day care homes that includes an assessment of—

5           (1) the nutritional quality of all foods provided  
6           to children in child care settings as compared to the  
7           recommendations in the most recent 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) the quantity and type of opportunities for  
12          physical activity provided to children in child care  
13          settings;

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

16          (4) an assessment of barriers and facilitators  
17          to—

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

1 (B) providing the appropriate quantity and  
2 type of opportunities of physical activity for  
3 children in child care settings; and

4 (C) participation by institutions, family or  
5 group day care homes, and sponsored centers  
6 under the child and adult care food program es-  
7 tablished under section 17 of the Richard B.  
8 Russell National School Lunch Act (42 U.S.C.  
9 1766); and

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

12 (b) REPORT TO CONGRESS.—The Secretary shall  
13 submit to the Committee on Education and Labor of the  
14 House of Representatives and the Committee on Agri-  
15 culture, Nutrition, and Forestry of the Senate, a report  
16 that includes a detailed description of the results of the  
17 study conducted under subsection (a).

18 (c) FUNDING.—

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

24 (2) RECEIPT AND ACCEPTANCE.—The Sec-  
25 retary shall be entitled to receive, shall accept, and

1 shall use to carry out this section the funds trans-  
2 ferred under paragraph (1), without further appro-  
3 priation.

4 **Subtitle C—Special Supplemental**  
5 **Nutrition Program for Women,**  
6 **Infants, and Children**

7 **SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PRO-**  
8 **GRAM.**

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

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

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

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

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

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

7           (6) in subsection (h)—

8                 (A) in paragraph (4)—

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

12                   “(4) REQUIREMENTS.—

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

14                             “(i) in consultation”;

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

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

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

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

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

7 “(I) each State agency; and

8 “(II) each local agency;

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

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

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

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

24 “(I) performance measurements  
25 of breastfeeding;

1                   “(II) the effectiveness of a peer  
2                   counselor program;

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

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

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

17                  “(C) PERFORMANCE BONUSES.—

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



1                   “(I) the highest proportion of  
2                   breast-fed infants; or

3                   “(II) the greatest improvement in  
4                   proportion of breast-fed infants.

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

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

13                         “(I) shall treat the funds as pro-  
14                         gram income; and

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

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

24                         (B) by striking paragraph (10) and insert-  
25                         ing the following:

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

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

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

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

16                                   “(I) infrastructure for the pro-  
17                                   gram under this section;

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

23                                   “(III) special State projects of  
24                                   regional or national significance to  
25                                   improve the services of the program;

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

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

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

24          “(D) PROPORTIONAL DISTRIBUTION.—The  
25          Secretary shall distribute funds made available

1 under subparagraph (A) in accordance with the  
2 proportional distribution described in subpara-  
3 graphs (B) and (C).”; and

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

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

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

14 **Subtitle D—Miscellaneous**

15 **SEC. 242. PROCUREMENT TECHNICAL ASSISTANCE AND**  
16 **GUIDANCE.**

17 Subsection (m) of section 12 of the Richard B. Rus-  
18 sell National School Lunch Act (42 U.S.C. 1760(m)) is  
19 amended to read as follows:

20 “(m) PROCUREMENT.—

21 “(1) IN GENERAL.—The Secretary shall provide  
22 technical assistance, guidance, and training to State  
23 agencies, local educational agencies, and school food  
24 authorities for the procurement of goods and serv-  
25 ices for programs under this Act and the Child Nu-

1       trition Act of 1966 (42 U.S.C. 1771 et seq.) (other  
2       than section 17 of that Act (42 U.S.C. 1786)).

3               “(2) BUY AMERICAN TRAINING.—Activities car-  
4       ried out under paragraph (1) shall include technical  
5       assistance and training to ensure compliance with  
6       subsection (n).

7               “(3) FOOD PROCUREMENT.—

8                       “(A) SURVEY OF FOOD PRODUCT INFOR-  
9       MATION.—

10                      “(i) IN GENERAL.—The Secretary  
11       shall assess the availability and quality of  
12       food product information available to  
13       school food authorities for foods most com-  
14       monly offered in 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       including commodity foods, commercial  
18       foods, and foods procured directly from a  
19       farm.

20                      “(ii) SCOPE.—The scope of the as-  
21       sessment should survey what type of food  
22       product information school food authorities  
23       have access to including—

24                               “(I) nutritional information;

1                   “(II) information on the food  
2                   safety standards that a food product  
3                   has met throughout production and  
4                   processing; and

5                   “(III) any other food product in-  
6                   formation as determined by the Sec-  
7                   retary.

8                   “(iii)    PROCUREMENT    SPECIFICA-  
9                   TIONS.—As part of the survey under this  
10                  subparagraph, the Secretary shall collect  
11                  best practices and models for food product  
12                  specifications, including nutrition and food  
13                  safety specifications, for foods (by type)  
14                  used in the school nutrition programs.

15                  “(iv)    REPORT.—Not later than 2  
16                  years after the date of the enactment of  
17                  the Improving Nutrition for America’s  
18                  Children Act, the Secretary shall submit to  
19                  the Committee on Education and Labor of  
20                  the House of Representatives and the  
21                  Committee on Agriculture, Nutrition, and  
22                  Forestry of the Senate a report on the re-  
23                  sults of the assessment and include such  
24                  legislative recommendations as the Sec-  
25                  retary considers necessary to ensure that

1 school food authorities have access to food  
2 product information needed for compliance  
3 with the requirements for the school nutri-  
4 tion programs under this Act and the  
5 Child Nutrition Act of 1966 (42 U.S.C.  
6 1771 et seq.).

7 “(B) MODEL PROCUREMENT SPECIFICA-  
8 TIONS.—Not later than 1 year after the comple-  
9 tion of the survey under subparagraph (A), the  
10 Secretary shall make available to State agencies  
11 and school food authorities model product speci-  
12 fications for foods most commonly offered in  
13 school nutrition programs under this Act and  
14 the Child Nutrition Act of 1966 (42 U.S.C.  
15 1771 et seq.) that—

16 “(i) reflect the goals of the most re-  
17 cent Dietary Guidelines for Americans  
18 published under section 301 of the Na-  
19 tional Nutrition Monitoring and Related  
20 Research Act of 1990 (7 U.S.C. 5341);

21 “(ii) encourage the use of foods rec-  
22 ommended by the most recent Dietary  
23 Guidelines for Americans, including fruits,  
24 vegetables, fat-free and reduced fat dairy  
25 products, and whole grains;

1                   “(iii) reflect best practices for safe  
2                   production, handling, and processing of  
3                   foods as determined by the Secretary; and

4                   “(iv) any other specifications as deter-  
5                   mined by the Secretary.

6                   “(4) FOODSERVICE MANAGEMENT PROCURE-  
7                   MENT.—Activities carried out under paragraph (1)  
8                   shall include model contract specifications and prac-  
9                   tices for procuring school food services for the provi-  
10                  sion of meals in compliance with the requirements  
11                  for administering the school nutrition programs  
12                  under this Act and the Child Nutrition Act of 1966  
13                  (42 U.S.C. 1771 et seq.).

14                  “(5) FUNDING.—

15                  “(A) MANDATORY FUNDING.—On October  
16                  1, 2010, out of any moneys in the Treasury not  
17                  otherwise appropriated, the Secretary of the  
18                  Treasury shall provide to the Secretary to carry  
19                  out this subsection \$4,000,000 to remain avail-  
20                  able until expended. The Secretary shall be en-  
21                  titled to receive the funds and shall accept the  
22                  funds, without further appropriation.

23                  “(B) AUTHORIZATION OF APPROPRIA-  
24                  TIONS.—In addition to the amounts made avail-  
25                  able under subparagraph (A), there are author-



1            ized to be appropriated to carry out this sub-  
2            section such sums as are necessary for each of  
3            fiscal years 2011 through 2015.”.

4 **SEC. 243. RESEARCH ON STRATEGIES TO PROMOTE**  
5 **HEALTHY EATING.**

6            (a) IN GENERAL.—The Secretary, in consultation  
7 with the Secretary of Health and Human Services and the  
8 Secretary of Education, shall establish a research, dem-  
9 onstration, and technical assistance program to promote  
10 healthy eating and prevent and reduce the prevalence of  
11 obesity by applying the principles and insights of behav-  
12 ioral economics research in schools, child care programs,  
13 and other settings.

14            (b) PRIORITIES.—In carrying out the program under  
15 subsection (a), the Secretary shall—

16            (1) identify and assess the impacts of specific  
17 presentation, placement, and other strategies for  
18 structuring choices on selection and consumption of  
19 healthful foods in a variety of settings, consistent  
20 with the most recent version of the Dietary Guide-  
21 lines for Americans published under section 301 of  
22 the National Nutrition Monitoring and Related Re-  
23 search Act of 1990 (7 U.S.C. 5341);

24            (2) demonstrate and rigorously evaluate behav-  
25 ioral economics-related interventions that hold prom-

1       ise to improve diets and promote health, including  
2       through demonstration projects that may include  
3       evaluation of the use of portion size, labeling, con-  
4       venience, and other strategies to encourage healthy  
5       choices; and

6           (3) encourage adoption of the most effective  
7       strategies through outreach and technical assistance.

8       (c) AUTHORITY.—

9           (1) IN GENERAL.—In carrying out the program  
10       under subsection (a), the Secretary may enter into  
11       competitively awarded contracts or cooperative  
12       agreements with, or provide grants to, States.

13           (2) AWARDS TO NONPROFITS.—A State award-  
14       ed a contract or grant under paragraph (1), may  
15       award such grant or contract to a public or private,  
16       nonprofit agency or organization, as determined by  
17       the Secretary.

18       (d) APPLICATION.—To be eligible to enter into a con-  
19       tract or cooperative agreement or receive a grant under  
20       this section, a State shall submit to the Secretary an appli-  
21       cation at such time, in such manner, and containing such  
22       information as the Secretary may require.

23       (e) COORDINATION.—The solicitation and evaluation  
24       of contracts, cooperative agreements, and grant proposals  
25       considered under this section shall be coordinated with the

1 Food and Nutrition Service, as appropriate, to ensure that  
2 funded projects are consistent with the operations of fed-  
3 erally supported nutrition assistance programs and related  
4 laws.

5 (f) ANNUAL REPORTS.—Not later than 90 days after  
6 the end of each fiscal year, the Secretary shall submit to  
7 the Committee on Education and Labor of the House of  
8 Representatives and the Committee on Agriculture, Nutri-  
9 tion, and Forestry of the Senate a report that includes  
10 a description of—

11 (1) the policies, priorities, and activities of the  
12 program carried out by the Secretary under this sec-  
13 tion during the fiscal year;

14 (2) the results of any evaluations completed  
15 during the fiscal year; and

16 (3) the efforts undertaken to disseminate suc-  
17 cessful practices through outreach and technical as-  
18 sistance.

19 (g) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There are authorized to be  
21 appropriated to carry out this section such sums as  
22 are necessary for each of fiscal years 2011 through  
23 2015.

24 (2) USE OF FUNDS.—The Secretary may use  
25 up to 5 percent of the funds made available under

1 paragraph (1) for Federal administrative expenses  
2 incurred in carrying out this section.

3 **SEC. 244. FOOD MARKETING STUDY.**

4 (a) STUDY AND REPORT ON FOOD MARKETING.—  
5 From the amounts appropriated under subsection (g), the  
6 Secretary, in consultation with the Secretary of Education  
7 and the Secretary of Health and Human Services, shall  
8 conduct a study on the extent and types of marketing of  
9 foods and beverages in elementary schools and secondary  
10 schools. In carrying out the study, the Secretary shall col-  
11 laborate with, and include information from, the Division  
12 of Adolescent and School Health of the Centers for Dis-  
13 ease Control and Prevention.

14 (b) ASSESSMENT OF NUTRITION.—The study con-  
15 ducted under subsection (a) shall assess the nutritional  
16 quality of the types of foods and beverages marketed in  
17 schools.

18 (c) ASSESSMENT OF MEDIA.—The study conducted  
19 subsection (a) shall assess all media through which foods  
20 and beverages are marketed to children in elementary  
21 schools and secondary schools, including—

22 (1) brand and product logos, names, or infor-  
23 mation on educational materials, book covers, school  
24 supplies, posters, vending machine exteriors, score-

1 boards, displays, signs, equipment, buses, buildings,  
2 and other school property;

3 (2) educational and other incentive programs;

4 (3) label redemption programs;

5 (4) in-school television, radio, and print publica-  
6 tions;

7 (5) free samples and coupons;

8 (6) branded fundraising activities;

9 (7) taste-testing and other market research ac-  
10 tivities; and

11 (8) incidental exposure to food and beverage  
12 marketing through computer use, including com-  
13 puter banner and wallpaper ads, or podcasts in  
14 schools.

15 (d) EXAMINATION OF REGULATORY MECHANISMS.—

16 The study conducted under subsection (a) shall also exam-  
17 ine mechanisms regulating marketing in elementary  
18 schools and secondary schools, including—

19 (1) Federal, State, and local policies;

20 (2) contracts; and

21 (3) sales incentives.

22 (e) REPORT.—Not later than 1 year after the comple-  
23 tion of the study conducted under subsection (a), the Sec-  
24 retary shall submit to Congress a report on the results  
25 of the study required by subsection (a).

1 (f) DEFINITIONS.—For purposes of this section, the  
2 terms “elementary school” and “secondary school” have  
3 the meanings given such terms in section 9101 of the Ele-  
4 mentary and Secondary Education Act of 1965 (20 U.S.C.  
5 7801).

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated \$1,000,000 to carry out  
8 this section.

9 **SEC. 245. NATIONAL SCHOOL LUNCH PROGRAM EQUIP-**  
10 **MENT ASSISTANCE GRANTS.**

11 (a) IN GENERAL.—From the funds made available  
12 under subsection (f), the Secretary shall make payments  
13 to State educational agencies to award grants to school  
14 food authorities for the purchase of equipment for schools  
15 under the jurisdiction of such authorities.

16 (b) ALLOCATION AND REALLOCATION.—

17 (1) ALLOCATION.—Payments under subsection  
18 (a) shall be allocated to State educational agencies  
19 in a manner proportional with each agency’s admin-  
20 istrative expense allocation under section 7(a)(2) of  
21 the Child Nutrition Act of 1966 (42 U.S.C.  
22 1776(a)(2)).

23 (2) REALLOCATION.—If a State educational  
24 agency does not accept or use the amounts made  
25 available under its allocation in accordance with this

1 section, the Secretary shall reallocate such amounts  
2 to other State educational agencies, as the Secretary  
3 determines necessary.

4 (c) GRANTS TO SCHOOL FOOD AUTHORITIES.—

5 (1) IN GENERAL.—Not later than 180 days  
6 after receiving an allocation under subsection (a), a  
7 State educational agency shall award grants, on a  
8 competitive basis, to school food authorities.

9 (2) APPLICATION.—To qualify to receive a  
10 grant under this section, a school food authority  
11 shall—

12 (A) submit an application to a State edu-  
13 cational agency at such time, in such manner,  
14 and containing such information as the State  
15 educational agency may require; or

16 (B) have submitted an application to re-  
17 ceive equipment assistance under the grant pro-  
18 gram carried out under—

19 (i) the heading “Food and Nutrition  
20 Service Child Nutrition Programs” in title  
21 I of division A of the American Recovery  
22 and Reinvestment Act of 2009 (Public  
23 Law 111–5); or

24 (ii) section 748(j) of the Agriculture,  
25 Rural Development, Food and Drug Ad-

1           ministration, and Related Agencies Appro-  
2           priations Act, 2010 (Public Law 111–80;  
3           123 Stat. 2134).

4           (3) PRIORITY.—In awarding grants to school  
5           food authorities, a State shall give priority to school  
6           food authorities whose applications demonstrate that  
7           in providing equipment assistance to schools with  
8           funds received under this section, such school food  
9           authorities will give priority to schools—

10           (A) in which not less than 50 percent of  
11           the enrolled students are certified as eligible for  
12           free or reduced price meals under the Richard  
13           B. Russell National School Lunch Act (42  
14           U.S.C. 1751 et seq.) and section 4 of the Child  
15           Nutrition Act of 1966 (42 U.S.C. 1773); and

16           (B) that did not benefit from equipment  
17           assistance under the grant program carried out  
18           under—

19           (i) the heading “Food and Nutrition  
20           Service Child Nutrition Programs” in title  
21           I of division A of the American Recovery  
22           and Reinvestment Act of 2009 (Public  
23           Law 111–5; 123 Stat. 119); or

24           (ii) section 748(j) of the Agriculture,  
25           Rural Development, Food and Drug ad-



1           ministration, and Related Agencies Appro-  
2           priations Act, 2010 (Public Law 111–80;  
3           123 Stat. 2134).

4           (4) USES OF FUNDS.—Under the terms and  
5           conditions established by the Secretary, a school  
6           food authority receiving a grant under this section  
7           shall use such funds to purchase equipment for  
8           schools under the jurisdiction of the school food au-  
9           thority—

10           (A) to improve the quality of food served  
11           under the school meal programs established  
12           under the Richard B. Russell National School  
13           Lunch Act (42 U.S.C. 1751 et seq.) and the  
14           Child Nutrition Act of 1966 (42 U.S.C. 1771 et  
15           seq.), consistent with the goals of the most re-  
16           cent Dietary Guidelines for Americans pub-  
17           lished under section 301 of the National Nutri-  
18           tion Monitoring and Related Research Act of  
19           1990 (7 U.S.C. 5341);

20           (B) to improve the safety of food served  
21           under the school meal programs;

22           (C) to improve the overall energy efficiency  
23           of school food service operations; or

24           (D) for other purposes as established by  
25           the Secretary.

1 (d) ADMINISTRATIVE COSTS.—A State educational  
2 agency receiving an allocation under this section may not  
3 use more than 5 percent of such allocation for administra-  
4 tive costs associated with awarding grants to eligible  
5 school food authorities in accordance with this section.

6 (e) EQUIPMENT DEFINED.—For purposes of this sec-  
7 tion, the term “equipment” includes cold or hot storage  
8 equipment (such as a salad bar) purchased to facilitate  
9 and promote increased accessibility and consumption of  
10 fresh fruits and vegetables to students.

11 (f) FUNDING.—There are authorized to be appro-  
12 priated to carry out this section such sums as may be nec-  
13 essary for each of fiscal years 2011 through 2015.

14 **SEC. 246. GREEN CAFETERIAS PILOT PROGRAM.**

15 (a) ESTABLISHMENT OF THE PROGRAM.—From the  
16 amounts appropriated to carry out this section under sub-  
17 section (e), the Secretary of Agriculture, in consultation  
18 with the Administrator of the Environmental Protection  
19 Agency, shall establish the green cafeterias pilot program  
20 in accordance with this section to provide competitive  
21 grants to State agencies to award subgrants to school food  
22 authorities for green cafeterias in the elementary schools  
23 and secondary schools under the jurisdiction of such  
24 school food authorities.

25 (b) APPLICATIONS.—

1           (1) GRANTS.—In order to receive a grant under  
2 this section, a State agency shall submit an applica-  
3 tion at such time, in such manner, and accompanied  
4 by such information as the Secretary may require,  
5 including—

6           (A) a description of the schools in which  
7 the environmental improvements described in  
8 subsection (c)(2) will be made using the grant  
9 funds;

10           (B) a proposed work plan for making the  
11 environmental improvements, including a de-  
12 scription of the uses of funds;

13           (C) an assessment of the expected environ-  
14 mental, economic, and educational benefits of  
15 the environmental improvements;

16           (D) a cost estimate of the proposed uses of  
17 funds; and

18           (E) the proposed use of private financing  
19 for such environmental improvements.

20           (2) SUBGRANTS.—In order to receive a  
21 subgrant under this section, a school food authority  
22 shall submit an application to the appropriate State  
23 agency at such time, in such manner, and containing  
24 such information as the State agency may require.

25           (c) USES OF FUNDS.—

1           (1) GRANTS.—A State agency receiving a grant  
2 under this Act shall use such grant funds to award  
3 subgrants to school food authorities.

4           (2) SUBGRANTS.—

5           (A) IN GENERAL.—A school food authority  
6 receiving a subgrant under this section shall use  
7 the subgrant funds to carry out at least 2 of  
8 the allowable uses described in subparagraph  
9 (B) in the cafeterias of elementary schools and  
10 secondary schools within the jurisdiction of the  
11 authority.

12           (B) ALLOWABLE USES.—The allowable  
13 uses described in this paragraph are as follows:

14           (i) Procurement of environmentally  
15 preferable products, such as recycled con-  
16 tent, energy efficient, or biobased products.

17           (ii) Recycling activities, such as—

18               (I) fat, oil, and grease recycling;

19               (II) collection, separation, and  
20 processing of postconsumer waste; or

21               (III) composting.

22           (iii) Purchasing energy or water effi-  
23 cient appliances and products that meet  
24 Energy Star, WaterSense guidelines, or the  
25 equivalent where these labels do not exist.

1 (d) EVALUATION.—Not later than 1 year after the  
2 date of enactment this section, the Secretary shall evaluate  
3 the pilot program conducted under this section to assess—

4 (1) the types of activities carried out by school  
5 food authorities receiving subgrants under this sec-  
6 tion;

7 (2) the immediate costs or savings, including  
8 any projected costs or savings, of the green cafeteria  
9 efforts carried out by such school food authorities;

10 (3) the environmental benefits associated with  
11 the green cafeteria efforts; and

12 (4) any other factors and outcomes associated  
13 with carrying out the green cafeteria efforts, as de-  
14 termined by the Secretary.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to carry out this section  
17 such sums as may be necessary for each of fiscal years  
18 2011 through 2015.

19 (f) DEFINITIONS.—In this section:

20 (1) ELEMENTARY SCHOOL; SECONDARY  
21 SCHOOL.—The terms “elementary school” and “sec-  
22 ondary school” have the meanings given such terms  
23 in section 9101 of the Elementary and Secondary  
24 Education Act of 1965 (20 U.S.C. 7801).

1           (2) ENVIRONMENTALLY PREFERABLE.—The  
2 term “environmentally preferable” means products  
3 or services that have a lesser or reduced effect on  
4 human health and the environment as compared to  
5 competing products or services that serve the same  
6 purpose. The product or service comparison may  
7 consider raw materials acquisition, production, man-  
8 ufacturing, packaging, distribution, reuse, mainte-  
9 nance, or disposal.

10 **SEC. 247. PARTNERSHIPS FOR WELLNESS GRANTS.**

11       (a) IN GENERAL.—From the amounts appropriated  
12 under subsection (i), the Secretary of Agriculture shall  
13 award grants, on a competitive basis, to State agencies  
14 to award subgrants to eligible entities for projects that le-  
15 verage community resources and support student access  
16 to physical activity, nutrition education, and nutritious  
17 foods during the regular school calendar.

18       (b) APPLICATION.—

19           (1) IN GENERAL.—Each State agency that de-  
20 sires to receive a grant under this section shall sub-  
21 mit an application to the Secretary at such time, in  
22 such manner, and containing such information with  
23 respect to each eligible entity that may receive a  
24 subgrant from the State agency under this section

1 as the Secretary may reasonably require, includ-  
2 ing—

3 (A) a community-involvement plan de-  
4 scribed in paragraph (2);

5 (B) a description of the partners of the eli-  
6 gible entity that will be involved in the imple-  
7 mentation of the community-involvement plan;

8 (C) a description of the roles that will be  
9 played by each partner of the eligible entity in  
10 the implementation of the community-involvement  
11 plan, including a description of the serv-  
12 ices that will be provided by each partner of the  
13 eligible entity; and

14 (D) a description of how funds received  
15 under this section will be integrated with other  
16 Federal, State, and local funds to maximize  
17 services and opportunities for students, their  
18 families, and the community to be served by the  
19 eligible entity, including a description of how  
20 funds received under this section will be distrib-  
21 uted and utilized.

22 (2) COMMUNITY-INVOLVEMENT PLAN.—

23 (A) IN GENERAL.—To be eligible to receive  
24 a grant under this section, an eligible entity  
25 shall develop and submit to the appropriate

1 State agency a community-involvement plan for  
2 leveraging resources, services, and opportunities  
3 available within the community to be served by  
4 the eligible entity in order to increase, during  
5 the regular school calendar, student access to  
6 physical activity, and nutrition education, and  
7 nutritious foods.

8 (B) REQUIREMENTS.—A community-in-  
9 volvement plan described in subparagraph (A)  
10 shall include—

11 (i) a needs assessment based on  
12 guidelines established by the Secretary  
13 that describes the need for access to phys-  
14 ical activity, nutrition education, and nutri-  
15 tious foods, during the regular school cal-  
16 endar, of students served by the local edu-  
17 cational agency that is partner of the eligi-  
18 ble entity;

19 (ii) a description of the potential re-  
20 sources, services, and opportunities avail-  
21 able within the community to be served by  
22 the eligible entity, or available near the  
23 community, that the students, the families  
24 of such students, and individuals in the



1 community may be able to access to meet  
2 the needs identified under clause (i);

3 (iii) a description of the role of each  
4 of the partners of the eligible entity in pro-  
5 viding services described in subsection (c)  
6 to the students and families of the stu-  
7 dents;

8 (iv) a strategy for linking students  
9 and the parents and families of the stu-  
10 dents with the opportunities for services  
11 available through the eligible entity; and

12 (v) a strategy for evaluating the im-  
13 pact of services that will be provided to  
14 students and their families through the eli-  
15 gible entity, including—

16 (I) a description of the resources,  
17 supports, and opportunities that will  
18 be leveraged from the community to  
19 provide such services;

20 (II) a description of how progress  
21 in increasing student access to phys-  
22 ical activity, nutrition education, and  
23 nutritious food will be measured;

24 (III) a description of how the im-  
25 pact of increasing student access to

1 physical activity, nutrition education,  
2 and nutritious food will be measured;  
3 and

4 (IV) a description of the strategy  
5 for helping children to understand the  
6 importance and benefits of healthy  
7 lifestyles and develop and sustain  
8 healthy eating and physical activity  
9 behaviors.

10 (c) USES OF FUNDS.—An eligible entity receiving a  
11 subgrant under this section shall use the funds to carry  
12 out 1 or more of the following services:

13 (1) Increasing, during the regular school cal-  
14 endar, student access to physical activity, including  
15 through short bouts of physical activity in the class-  
16 room and structured physical activities that are  
17 taught and led by trained adults during recess.

18 (2) Increasing, during the regular school cal-  
19 endar, student access to nutrition education, includ-  
20 ing nutrition education provided through the com-  
21 munity by local nutritionists, or other health care  
22 providers.

23 (3) Increasing, during the regular school cal-  
24 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 subgrant 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 the subgrant.

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 State agency 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-involvement 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 School Lunch Act and the  
8       breakfast program under section 4 of the Child  
9       Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)  
10      that has established a partnership with 1 or  
11      more nonprofit entities described in subpara-  
12      graph (B).

13          (B) NONPROFIT ENTITIES.—The entities  
14      described in this subparagraph are as follows:

15           (i) A community-based organization.

16           (ii) A child-and-youth-serving organi-  
17      zation or agency.

18           (iii) An institution of higher edu-  
19      cation.

20           (iv) A hospital or health care provider.

21           (v) Other business or community part-  
22      ner.

23          (5) INSTITUTION OF HIGHER EDUCATION.—The  
24      term “institution of higher education” has the

1 meaning given the term in section 102 of the Higher  
2 Education Act of 1965 (20 U.S.C. 1002).

3 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to carry out this section  
5 such sums as may be necessary for each of fiscal years  
6 2011 through 2015.

7 **TITLE III—IMPROVING THE MAN-**  
8 **AGEMENT AND INTEGRITY OF**  
9 **CHILD NUTRITION PRO-**  
10 **GRAMS**

11 **Subtitle A—National School Lunch**  
12 **Program**

13 **SEC. 301. INDIRECT COSTS.**

14 (a) GUIDANCE ON INDIRECT COSTS RULES.—

15 (1) IN GENERAL.—Not later than 180 days  
16 after the date of the enactment of this Act, the Sec-  
17 retary shall issue guidance to school food authorities  
18 participating in the school lunch program established  
19 under the Richard B. Russell National School Lunch  
20 Act (42 U.S.C. 1751 et seq.) and the school break-  
21 fast program established under section 4 of the  
22 Child Nutrition Act of 1966 (42 U.S.C. 1773) cov-  
23 ering program rules pertaining to allowable costs  
24 that may be charged to the nonprofit school food

1 service accounts, including indirect costs and direct  
2 costs.

3 (2) EFFECTIVE DATE.—The guidance issued  
4 under paragraph (1) shall take effect on July 1,  
5 2011.

6 (b) INDIRECT AND DIRECT COSTS STUDY.—The Sec-  
7 retary shall—

8 (1) conduct a study to assess the extent to  
9 which school food authorities participating in the  
10 school lunch program established under the Richard  
11 B. Russell National School Lunch Act (42 U.S.C.  
12 1751 et seq.) and the school breakfast program es-  
13 tablished by section 4 of the Child Nutrition Act of  
14 1966 (42 U.S.C. 1773) pay indirect and direct costs,  
15 including assessments of—

16 (A) the allocation of indirect and direct  
17 costs to such school food authorities;

18 (B) the methodologies used to establish in-  
19 direct cost rates for such school food authori-  
20 ties;

21 (C) the types and amounts of indirect costs  
22 charged and recovered by local educational  
23 agencies;

1 (D) the impact of indirect costs charged to  
2 the nonprofit school food service account of  
3 such school food authorities;

4 (E) whether the indirect and direct costs  
5 charged or recovered are consistent with re-  
6 quirements for the allocation of costs and  
7 school food service operations; and

8 (F) the types and amounts of indirect and  
9 direct costs that could be charged or recovered  
10 under requirements for the allocation of costs  
11 and school food service operations but are not  
12 charged or recovered; and

13 (2) after completing the study required under  
14 paragraph (1), issue additional guidance relating to  
15 the types of costs that are reasonable and necessary  
16 to provide meals under the Richard B. Russell Na-  
17 tional School Lunch Act (42 U.S.C. 1751 et seq.)  
18 and the Child Nutrition Act of 1966 (42 U.S.C.  
19 1771 et seq.).

20 (c) REGULATIONS.—After conducting the study  
21 under subsection (b)(1) and identifying costs under sub-  
22 section (b)(2), the Secretary may promulgate regulations  
23 to address—

24 (1) any identified deficiencies in the allocation  
25 of indirect and direct costs charged to school food



1 authorities participating in the lunch program under  
2 the Richard B. Russell National School Lunch Act  
3 (42 U.S.C. 1751 et seq.) and the breakfast program  
4 under the Child Nutrition Act of 1966 (42 U.S.C.  
5 1773); and

6 (2) the authority of school food authorities to  
7 reimburse only those costs identified by the Sec-  
8 retary as reasonable and necessary under subsection  
9 (b)(2).

10 (d) REPORT.—Not later than October 1, 2013, the  
11 Secretary shall submit to the Committee on Education and  
12 Labor of the House of Representatives and the Committee  
13 on Agriculture, Nutrition, and Forestry of the Senate a  
14 report that describes the results of the study under sub-  
15 section (b).

16 (e) FUNDING.—

17 (1) IN GENERAL.—On October 1, 2010, 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 \$2,000,000, 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       piation.

3       **SEC. 302. REVENUE FROM NONPROGRAM FOODS SOLD IN**  
4                                   **SCHOOLS.**

5       (a) AMENDMENT.—Section 12 of the Richard B.  
6       Russell National School Lunch Act (42 U.S.C. 1760) is  
7       further amended by adding at the end the following:

8               “(p) NONPROGRAM FOOD SALES.—

9                       “(1) DEFINITION OF NONPROGRAM FOOD.—In  
10       this subsection:

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

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

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

20                               “(B) INCLUSION.—The term ‘nonprogram  
21       food’ includes food that is sold in competition  
22       with a program established under this Act or  
23       the Child Nutrition Act of 1966 (42 U.S.C.  
24       1771 et seq.).

25               “(2) REVENUES.—

1           “(A) IN GENERAL.—The proportion of  
2           total school food service revenue provided by the  
3           sale of nonprogram foods to the total revenue  
4           of the school food service account shall be equal  
5           to or greater than the proportion of total food  
6           costs associated with obtaining nonprogram  
7           foods to the total costs associated with obtain-  
8           ing program and nonprogram foods from the  
9           account.

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

14           “(3) REPORT.—Not later than 4 years after the  
15           date of the enactment of this subsection, the Sec-  
16           retary shall submit to the Committee on Education  
17           and Labor of the House of Representatives and the  
18           Committee on Agriculture, Nutrition, and Forestry  
19           of the Senate a report describing the impact of im-  
20           plementation of this subsection on financial account-  
21           ing processes and procedures, the nonprofit school  
22           food service account, and school food service oper-  
23           ations.”.

24           (b) EFFECTIVE DATE.—The amendment made by  
25           subsection (a) shall take effect on July 1, 2011.

1 **SEC. 303. REPORTING AND NOTIFICATION OF SCHOOL PER-**  
2 **FORMANCE.**

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

5 (1) by striking subsection (a) and inserting the  
6 following:

7 “(a) UNIFIED ACCOUNTABILITY SYSTEM.—

8 “(1) IN GENERAL.—There shall be a unified  
9 system prescribed and administered by the Secretary  
10 to ensure that local food service authorities partici-  
11 pating in the school lunch program established  
12 under this Act and the school breakfast program es-  
13 tablished by section 4 of the Child Nutrition Act of  
14 1966 (42 U.S.C. 1773) comply with those Acts, in-  
15 cluding compliance with—

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

18 “(B) as applicable, the nutritional require-  
19 ments for school breakfasts under section  
20 4(e)(1) of the Child Nutrition Act of 1966 (42  
21 U.S.C. 1773(e)(1)).”; and

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

24 “(A) require that local food service au-  
25 thorities comply with the nutritional require-

1           ments described in subparagraphs (A) and (B)  
2           of paragraph (1);

3           “(B) to the maximum extent practicable,  
4           ensure compliance through reasonable audits  
5           and supervisory assistance reviews;

6           “(C) in conducting audits and reviews for  
7           the purpose of determining compliance with this  
8           Act, including the nutritional requirements of  
9           section 9(f)—

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

13           “(ii) select schools for review in each  
14           local educational agency using criteria es-  
15           tablished by the Secretary;

16           “(iii) report the final results of the re-  
17           views to the public in the State in an ac-  
18           cessible, easily understood manner in ac-  
19           cordance with guidelines promulgated by  
20           the Secretary; and

21           “(iv) submit to the Secretary each  
22           year a report containing the results of the  
23           reviews in accordance with procedures de-  
24           veloped by the Secretary; and

1           “(D) when any local food service authority  
2           is reviewed under this section, ensure that the  
3           final results of the review by the State edu-  
4           cational agency are posted and otherwise made  
5           available to the public on request in an acces-  
6           sible, easily understood manner in accordance  
7           with guidelines promulgated by the Secretary.”.

8 **SEC. 304. COMPLIANCE AND ACCOUNTABILITY STUDY.**

9           (a) IN GENERAL.—The Secretary of Agriculture shall  
10          conduct a study to—

11                 (1) assess the effectiveness and efficiency of ad-  
12          ministrative review systems to ensure—

13                         (A) each local educational agency partici-  
14          pating in the school lunch program established  
15          under the Richard B. Russell National School  
16          Lunch Act (42 U.S.C. 1751 et seq.) complies  
17          with the provisions of such Act, including the  
18          provisions with respect to nutrition, eligibility,  
19          meal counts, and claims for reimbursement;

20                         (B) each local educational agency partici-  
21          pating in the school breakfast program estab-  
22          lished under section 4 of the Child Nutrition  
23          Act of 1966 (42 U.S.C. 1773) complies with the  
24          provisions of such Act, including the provisions

1 with respect to nutrition, eligibility, meal  
2 counts, and claims for reimbursement; and

3 (C) each local educational agency described  
4 in subparagraphs (A) and (B) is accountable  
5 for the compliance described in such subpara-  
6 graphs;

7 (2) design and test alternative processes and  
8 procedures that may improve the effectiveness and  
9 efficiency of the administrative review systems de-  
10 scribed in paragraph (1), and determine the optimal  
11 frequency for carrying out reviews under such sys-  
12 tems; and

13 (3) identify any alternative processes and proce-  
14 dures for establishing a more effective and efficient  
15 administrative review system that—

16 (A) reflect the results of tests of alter-  
17 native processes and procedures conducted pur-  
18 suant to paragraph (2); and

19 (B) consider the practicality of imple-  
20 menting such alternative processes and proce-  
21 dures, including the cost and burden of imple-  
22 mentation that would be imposed on school food  
23 authorities, local educational agencies, and  
24 State educational agencies.

1           (b) REPORT.—Not later than 3 years after the date  
2 of the enactment of this Act, the Secretary of Agriculture  
3 shall submit to the Committee on Education and Labor  
4 of the House of Representatives and the Committee on  
5 Agriculture, Nutrition, and Forestry of the Senate, a re-  
6 port that describes the results and recommendations of the  
7 study conducted pursuant to subsection (a).

8           (c) REGULATIONS.—The Secretary of Agriculture  
9 may prescribe regulations as may be necessary to imple-  
10 ment the processes or procedures identified pursuant to  
11 subsection (a)(3) for establishing an effective and efficient  
12 administrative review system.

13           (d) FUNDING.—

14           (1) IN GENERAL.—Upon the date of the enact-  
15 ment of this Act, out of any funds in the Treasury  
16 not otherwise appropriated, the Secretary of the  
17 Treasury shall transfer to the Secretary of Agri-  
18 culture \$3,000,000 to carry out this section, to re-  
19 main available until expended.

20           (2) RECEIPT AND ACCEPTANCE.—The Sec-  
21 retary of Agriculture shall be entitled to receive,  
22 shall accept, and shall use to carry out this section  
23 the funds transferred under paragraph (1), without  
24 further appropriation.



1 **SEC. 305. APPLICABILITY OF FOOD SAFETY PROGRAM ON**  
2 **ENTIRE SCHOOL CAMPUS.**

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

5 (1) in paragraph (1), by amending subpara-  
6 graph (B) to read as follows:

7 “(B) post a report on the most recent in-  
8 spection conducted under subparagraph (A)  
9 in—

10 “(i) a publicly visible location in the  
11 school food service area; and

12 “(ii) a publicly accessible location on  
13 the Internet website of the local edu-  
14 cational agency.”;

15 (2) in paragraph (5)—

16 (A) by striking “Each school authority”  
17 and inserting the following:

18 “(A) IN GENERAL.—Each school food au-  
19 thority”; and

20 (B) by adding at the end the following:

21 “(B) APPLICABILITY.—The school food  
22 safety program described in subparagraph (A)  
23 shall apply to any facility or part of a facility  
24 on a school campus where food is stored, pre-  
25 pared, and served for the purposes of the school  
26 nutrition programs under this Act and the

1 school breakfast program under section 4 of the  
2 Child Nutrition Act of 1966 (42 U.S.C.  
3 1773).”; and

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

5 “(6) TRAINING REQUIREMENT.—

6 “(A) IN GENERAL.—Each school food au-  
7 thority participating in a program under this  
8 Act shall ensure that all school food service  
9 workers employed by the authority shall—

10 “(i) have access to appropriate train-  
11 ing under a qualified training program, as  
12 described in subparagraph (B), on safe  
13 handling, preparation, and delivery of food  
14 to children participating in the school meal  
15 programs; and

16 “(ii) comply with a performance  
17 standard for safe food handling, deter-  
18 mined by the Secretary that is consistent  
19 with nationally recognized standards appli-  
20 cable to the preparation and delivery of  
21 meals served to children in a school envi-  
22 ronment.

23 “(B) QUALIFIED TRAINING PROGRAM.—

24 School foodservice workers shall have access to

1 comprehensive food safety training programs  
2 that, at a minimum, shall—

3 “(i) be based on the Hazard Analysis  
4 Critical Control Point principles estab-  
5 lished by the Secretary; and

6 “(ii) include training related to—

7 “(I) personal hygiene and patho-  
8 gens, including characteristics of ill-  
9 ness (including foodborne illnesses);

10 “(II) safe food service operations,  
11 including kitchen sanitation and  
12 equipment maintenance;

13 “(III) safe food handling, prepa-  
14 ration, and delivery, including storage,  
15 thawing, prepping, cooking, cooling,  
16 and reheating practices for all forms  
17 of food; and

18 “(IV) other such topics deter-  
19 mined by the Secretary.”.

20 **SEC. 306. ENSURING SAFETY OF SCHOOL MEALS.**

21 The Richard B. Russell National School Lunch Act  
22 is amended by inserting after section 28 (42 U.S.C. 1769i)  
23 the following:

1 **“SEC. 29. ENSURING SAFETY OF SCHOOL MEALS.**

2 “Not later than 1 year after the date of enactment  
3 of the Improving Nutrition for America’s Children Act,  
4 the Secretary, acting through the Administrator of the  
5 Food and Nutrition Service, shall—

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

15 “(2) work with States to explore ways for the  
16 States to increase the timeliness of notification of  
17 food recalls to schools and school food authorities;

18 “(3) improve the timeliness and completeness of  
19 direct communication between the Food and Nutri-  
20 tion Service and States about holds and recalls; and

21 “(4) establish a timeframe to improve the com-  
22 modity hold and recall procedures of the Department  
23 of Agriculture to address the role of processors and  
24 determine the involvement of distributors with proc-  
25 essed products that may contain recalled ingredients,

1 to facilitate the provision of more timely and com-  
2 plete information to schools.”.

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. 1769c) 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           istrative 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.) (as amended by sec-  
5 tion 335) is further amended by adding at the end the  
6 following:

7 “(v) REDUCING PAPERWORK AND IMPROVING PRO-  
8 GRAM ADMINISTRATION.—

9 “(1) ESTABLISHMENT.—The Secretary, in con-  
10 junction with States and participating institutions,  
11 shall continue to examine the feasibility of reducing  
12 unnecessary or duplicative paperwork resulting from  
13 regulations and recordkeeping requirements for  
14 State agencies, institutions, family and group day  
15 care homes, and sponsored centers participating in  
16 the program

17 “(2) DUTIES.—At a minimum, the examination  
18 shall include—

19 “(A) review and evaluation of the rec-  
20 ommendations, guidance, and regulatory prior-  
21 ities developed and issued to comply with sec-  
22 tion 119(i) of the Child Nutrition and WIC Re-  
23 authorization Act of 2004 (42 U.S.C. 1766  
24 note; Public Law 108–265);

25 “(B) examination of additional paperwork  
26 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 the Improving Nutrition for  
8 America’s Children Act, the Secretary shall submit  
9 to the Committee on Education and Labor of the  
10 House of Representatives and the Committee on Ag-  
11 riculture, Nutrition, and Forestry of the Senate a  
12 report that describes the actions that have been  
13 taken to carry out this section, including—

14 “(A) actions taken to address administra-  
15 tive and paperwork burdens identified as a re-  
16 sult of compliance with section 119(i) of the  
17 Child Nutrition and WIC Reauthorization Act  
18 of 2004 (42 U.S.C. 1766 note; Public Law  
19 108–265);

20 “(B) administrative and paperwork bur-  
21 dens identified as a result of compliance with  
22 section 119(i) of that Act for which no regu-  
23 latory action or policy guidance has been taken;

24 “(C) additional steps that the Secretary is  
25 taking or plans to take to address any adminis-

1 trative and paperwork burdens identified under  
2 paragraph (2)(B) and subparagraph (B), in-  
3 cluding—

4 “(i) new or updated regulations, pol-  
5 icy, guidance, or technical assistance; and

6 “(ii) a timeframe for the completion  
7 of those steps; and

8 “(D) recommendations to Congress for  
9 modifications to existing statutory authorities  
10 needed to address identified administrative and  
11 paperwork burdens.”.

12 **Subtitle D—Special Supplemental**  
13 **Nutrition Program for Women,**  
14 **Infants, and Children**

15 **SEC. 351. SHARING OF MATERIALS WITH OTHER PRO-**  
16 **GRAMS.**

17 Section 17(e)(3) of the Child Nutrition Act (42  
18 U.S.C. 1786(e)(3)) is amended by striking subparagraph  
19 (B) and inserting the following:

20 “(B) SHARING OF MATERIALS WITH  
21 OTHER PROGRAMS.—

22 “(i) COMMODITY SUPPLEMENTAL  
23 FOOD PROGRAM.—The Secretary may pro-  
24 vide, in bulk quantity, nutrition education  
25 materials (including materials promoting

1 breastfeeding) developed with funds made  
2 available for the program authorized under  
3 this section to State agencies administering  
4 the commodity supplemental food program  
5 established under section 5 of the Agri-  
6 culture and Consumer Protection Act of  
7 1973 (7 U.S.C. 612c note; Public Law 93-  
8 86) at no cost to that program.

9 “(ii) CHILD AND ADULT CARE FOOD  
10 PROGRAM.—A State agency may allow the  
11 local agencies or clinics under the State  
12 agency to share nutrition educational ma-  
13 terials with institutions participating in the  
14 child and adult care food program estab-  
15 lished under section 17 of the Richard B.  
16 Russell National School Lunch Act (42  
17 U.S.C. 1766) at no cost to that program,  
18 if a written materials sharing agreement  
19 exists between the relevant agencies.”.

20 **SEC. 352. WIC PROGRAM MANAGEMENT.**

21 (a) WIC EVALUATION FUNDS.—Section 17(g)(5) of  
22 the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5))  
23 is amended by striking “\$5,000,000” and inserting  
24 “\$15,000,000”.



1 (b) WIC REBATE PAYMENTS.—Section 17(h)(8) of  
2 the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8))  
3 is amended by adding at the end the following:

4 “(K) REPORTING.—Effective beginning  
5 October 1, 2011, each State agency shall report  
6 rebate payments received from manufacturers  
7 in the month in which the payments are re-  
8 ceived, rather than in the month in which the  
9 payments were earned.”.

10 (c) COST CONTAINMENT MEASURE.—Section 17(h)  
11 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h))  
12 is amended—

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

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

18 “(9) COST CONTAINMENT MEASURE.—

19 “(A) DEFINITION OF COST CONTAINMENT  
20 MEASURE.—In this subsection, the term cost  
21 containment measure means a competitive bid-  
22 ding, rebate, direct distribution, or home deliv-  
23 ery system implemented by a State agency as  
24 described in the approved State plan of oper-  
25 ation and administration of the State agency.

1                   “(B) SOLICITATION AND REBATE BILLING  
2                   REQUIREMENTS.—Any State agency instituting  
3                   a cost containment measure for any authorized  
4                   food, including infant formula, shall—

5                   “(i) in the bid solicitation—

6                   “(I) identify the composition of  
7                   State alliances for the purposes of a  
8                   cost containment measure; and

9                   “(II) verify that no additional  
10                  States shall be added to the State alli-  
11                  ance between the date of the bid solie-  
12                  itation and the end of the contract;

13                  “(ii) have a system to ensure that re-  
14                  bate invoices under competitive bidding  
15                  provide a reasonable estimate or an actual  
16                  count of the number of units sold to par-  
17                  ticipants in the program under this sec-  
18                  tion;

19                  “(iii) open and read aloud all bids at  
20                  a public proceeding on the day on which  
21                  the bids are due; and

22                  “(iv) unless otherwise exempted by  
23                  the Secretary, provide a minimum of 30  
24                  days between the publication of the solici-

1                   tation and the date on which the bids are  
2                   due.

3                   “(C) STATE ALLIANCES FOR AUTHORIZED  
4                   FOODS OTHER THAN INFANT FORMULA.—Pro-  
5                   gram requirements relating to the size of State  
6                   alliances under paragraph (8)(A)(iv) shall apply  
7                   to cost containment measures established for  
8                   any authorized food under this section.”.

9                   (d) ELECTRONIC BENEFIT TRANSFER.—Section  
10                  17(h) of the Child Nutrition Act of 1966 (42 U.S.C.  
11                  1786(h)) is amended by striking paragraph (12) and in-  
12                  serting the following:

13                  “(12) ELECTRONIC BENEFIT TRANSFER.—

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

15                  “(i) ELECTRONIC BENEFIT TRANS-  
16                  FER.—The term electronic benefit 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 the enactment of the Improv-  
19               ing Nutrition for America’s Children Act, the  
20               Secretary shall establish a national universal  
21               product code database to be used by all State  
22               agencies in carrying out the requirements of  
23               paragraph (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) is further amended by strik-  
15 ing subsection (b) and inserting the following:

16 “(b) AGREEMENTS.—

17 “(1) IN GENERAL.—The Secretary shall incor-  
18 porate, in the agreement of the Secretary with the  
19 State agencies administering programs authorized  
20 under this Act or the Child Nutrition Act of 1966  
21 (42 U.S.C. 1771 et seq.), the express requirements  
22 with respect to the operation of the programs to the  
23 extent applicable and such other provisions as in the  
24 opinion of the Secretary are reasonably necessary or  
25 appropriate to effectuate the purposes of this Act

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

3 “(2) EXPECTATIONS FOR USE OF FUNDS.—  
4 Agreements described in paragraph (1) shall include  
5 a provision that—

6 “(A) supports full use of Federal funds  
7 provided to State agencies for the administra-  
8 tion of programs authorized under this Act or  
9 the Child Nutrition Act of 1966 (42 U.S.C.  
10 1771 et seq.); and

11 “(B) excludes the Federal funds from  
12 State budget restrictions or limitations includ-  
13 ing, at a minimum—

14 “(i) hiring freezes;

15 “(ii) work furloughs; and

16 “(iii) travel restrictions.”.

17 **SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND IN-**  
18 **DIVIDUALS.**

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

22 “(q) DISQUALIFIED SCHOOLS, INSTITUTIONS, AND  
23 INDIVIDUALS.—Any school, institution, service institution,  
24 facility, or individual that has been terminated from any  
25 program authorized under this Act or the Child Nutrition

1 Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of  
2 disqualified institutions and individuals under section 13  
3 or section 17(d)(5)(E) of this Act may not be approved  
4 to participate in or administer any program authorized  
5 under this Act or the Child Nutrition Act of 1966 (42  
6 U.S.C. 1771 et seq.).”.

7 **TITLE IV—MISCELLANEOUS**  
8 **Subtitle A—Reauthorization of**  
9 **Expiring Provisions**

10 **PART 1—RICHARD B. RUSSELL NATIONAL**  
11 **SCHOOL LUNCH ACT**

12 **SEC. 401. COMMODITY SUPPORT.**

13 Section 6(e)(1)(B) of the Richard B. Russell National  
14 School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended  
15 by striking “September 30, 2010” and inserting “Sep-  
16 tember 30, 2020”.

17 **SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.**

18 Section 9(h) of the Richard B. Russell National  
19 School Lunch Act (42 U.S.C. 1758(h)) is amended—

20 (1) in paragraph (3), by striking “2006  
21 through 2010” and inserting “2011 through 2015”;  
22 and

23 (2) in paragraph (4), by striking “2006  
24 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 redesi-  
5 gned 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—

10 (1) by striking subsection (j) (as redesignated  
11 by section 208(1)); and

12 (2) by redesignating subsections (k) and (l) (as  
13 redesignated by section 208(1)) as subsections (j)  
14 and (k), respectively.

15 **SEC. 405. TRAINING, TECHNICAL ASSISTANCE, AND FOOD**  
16 **SERVICE MANAGEMENT INSTITUTE.**

17 Section 21(e) of the Richard B. Russell National  
18 School Lunch Act (42 U.S.C. 1769b–1(e)) is amended—

19 (1) by striking “(e) AUTHORIZATION OF AP-  
20 PROPRIATIONS” and all that follows through the end  
21 of paragraph (2)(A) and inserting the following:

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

23 “(1) **FUNDING.—**

24 “(A) **IN GENERAL.—**In addition to any  
25 amounts otherwise made available for fiscal  
26 year 2011, on October 1, 2010, and each Octo-

1           ber 1 thereafter, out of any funds in the Treas-  
2           ury not otherwise appropriated, the Secretary of  
3           the Treasury shall transfer to the Secretary to  
4           carry out subsection (a)(2) \$5,000,000, to re-  
5           main available until expended.

6           “(B) RECEIPT AND ACCEPTANCE.—The  
7           Secretary shall be entitled to receive, shall ac-  
8           cept, and shall use to carry out subsection  
9           (a)(2) the funds transferred under subpara-  
10          graph (A), without further appropriation.”;

11          (2) by redesignating subparagraphs (B) and  
12          (C) as paragraphs (2) and (3), respectively, and in-  
13          denting appropriately;

14          (3) in paragraph (2) (as so redesignated), by  
15          striking “subparagraph (A)” each place it appears  
16          and inserting “paragraph (1)”; and

17          (4) in paragraph (3) (as so redesignated), by  
18          striking “subparagraphs (A) and (B)” and inserting  
19          “paragraphs (1) and (2)”.

20   **SEC. 406. FEDERAL ADMINISTRATIVE SUPPORT.**

21          Section 21(g)(1)(A) of the Richard B. Russell Na-  
22          tional School Lunch Act (42 U.S.C. 1769b–1(g)(1)(A)) is  
23          amended—

24          (1) in clause (i), by striking “and” at the end;

1           (2) in clause (ii), by striking the period at the  
2           end and inserting “; and”; and

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

4                           “(iii) on October 1, 2010, and each  
5                           October 1 thereafter, \$4,000,000.”.

6   **SEC. 407. COMPLIANCE AND ACCOUNTABILITY.**

7           Section 22(d) of the Richard B. Russell National  
8   School Lunch Act (42 U.S.C. 1769c(d)) is amended by  
9   striking “\$6,000,000 for each of fiscal years 2004 through  
10  2009” and inserting “\$10,000,000 for each of fiscal years  
11  2011 through 2015”.

12 **SEC. 408. INFORMATION CLEARINGHOUSE.**

13          Section 26(d) of the Richard B. Russell National  
14  School Lunch Act (42 U.S.C. 1769g(d)) is amended in  
15  the first sentence by striking “\$250,000 for each of fiscal  
16  years 2005 through 2009” and inserting “\$1,000,000 for  
17  each of fiscal years 2011 through 2015”.

18           **PART 2—CHILD NUTRITION ACT OF 1966**

19 **SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.**

20          Section 7(i)(4) of the Child Nutrition Act of 1966  
21  (42 U.S.C. 1776(i)(4)) is amended by striking “2005  
22  through 2009” and inserting “2010 through 2015”.



1 **SEC. 422. STATE ADMINISTRATIVE EXPENSES.**

2 Section 7(j) of the Child Nutrition Act of 1966 (42  
3 U.S.C. 1776(j)) is amended by striking “October 1, 2009”  
4 and inserting “October 1, 2015”.

5 **SEC. 423. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**  
6 **FOR WOMEN, INFANTS, AND CHILDREN.**

7 Section 17(g)(1)(A) of the Child Nutrition Act of  
8 1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking  
9 “each of fiscal years 2004 through 2009” and inserting  
10 “each of fiscal years 2010 through 2015”.

11 **SEC. 424. FARMERS MARKET NUTRITION PROGRAM.**

12 Section 17(m)(9) of the Child Nutrition Act of 1966  
13 (42 U.S.C. 1786(m)(9)) is amended by striking subpara-  
14 graph (A) and inserting the following:

15 “(A) AUTHORIZATION OF APPROPRIA-  
16 TIONS.—There are authorized to be appro-  
17 priated to carry out this subsection such sums  
18 as are necessary for each of fiscal years 2010  
19 through 2015.”.

20 **Subtitle B—Technical Amendments**

21 **SEC. 441. TECHNICAL AMENDMENTS.**

22 (a) RICHARD B. RUSSELL NATIONAL SCHOOL  
23 LUNCH ACT.—

24 (1) NUTRITIONAL REQUIREMENTS.—Section  
25 9(f) of the Richard B. Russell National School  
26 Lunch Act (42 U.S.C. 1758(f)) is amended—

1 (A) by striking “(f)” and all that follows  
2 through the end of paragraph (1) and inserting  
3 the following:

4 “(f) NUTRITIONAL REQUIREMENTS.—

5 “(1) IN GENERAL.—Schools that are partici-  
6 pating in the school lunch program or school break-  
7 fast program shall serve lunches and breakfasts  
8 that—

9 “(A) are consistent with the goals of the  
10 most recent Dietary Guidelines for Americans  
11 published under section 301 of the National  
12 Nutrition Monitoring and Related Research Act  
13 of 1990 (7 U.S.C. 5341); and

14 “(B) consider the nutrient needs of chil-  
15 dren who may be at risk for inadequate food in-  
16 take and food insecurity.”;

17 (B) by striking paragraph (2); and

18 (C) by redesignating paragraphs (3)  
19 through (5) as paragraphs (2) through (4), re-  
20 spectively.

21 (2) ROUNDING RULES FOR COMPUTATION OF  
22 ADJUSTMENT.—Section 11(a)(3)(B) of the Richard  
23 B. Russell National School Lunch Act (42 U.S.C.  
24 1759a(a)(3)(B)) is amended by striking “ROUND-  
25 ING.—” and all that follows through “On July” in

1 subclause (II) and inserting “ROUNDING.—On  
2 July”.

3 (3) INFORMATION AND ASSISTANCE CON-  
4 CERNING REIMBURSEMENT OPTIONS.—Section 11 of  
5 the Richard B. Russell National School Lunch Act  
6 (42 U.S.C. 1759a) is amended by striking subsection  
7 (f).

8 (4) 1995 REGULATIONS TO IMPLEMENT DIE-  
9 TARY GUIDELINES.—Section 12 of the Richard B.  
10 Russell National School Lunch Act (42 U.S.C.  
11 1760) is further amended by repealing subsection  
12 (k).

13 (5) SUMMER FOOD SERVICE PROGRAM FOR  
14 CHILDREN.—

15 (A) IN GENERAL.—Section 13 of the Rich-  
16 ard B. Russell National School Lunch Act (42  
17 U.S.C. 1761) is amended by striking the section  
18 heading and all that follows through the end of  
19 subsection (a)(1) and inserting the following:

20 **“SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHIL-**  
21 **DREN.**

22 **“(a) IN GENERAL.—**

23 **“(1) DEFINITIONS.—In this section:**

24 **“(A) AREA IN WHICH POOR ECONOMIC**  
25 **CONDITIONS EXIST.—**

1                   “(i) IN GENERAL.—Subject to clause  
2                   (ii), the term area in which poor economic  
3                   conditions exist, as the term relates to an  
4                   area in which a program food service site  
5                   is located, means—

6                   “(I) the attendance area of a  
7                   school in which at least 50 percent of  
8                   the enrolled children have been deter-  
9                   mined eligible for free or reduced  
10                  price school meals under this Act and  
11                  the Child Nutrition Act of 1966 (42  
12                  U.S.C. 1771 et seq.);

13                  “(II) a geographic area, as de-  
14                  fined by the Secretary based on the  
15                  most recent census data available, in  
16                  which at least 50 percent of the chil-  
17                  dren residing in that area are eligible  
18                  for free or reduced price school meals  
19                  under this Act and the Child Nutri-  
20                  tion Act of 1966 (42 U.S.C. 1771 et  
21                  seq.);

22                  “(III) an area—

23                         “(aa) for which the program  
24                         food service site documents the  
25                         eligibility of enrolled children

1 through the collection of income  
2 eligibility statements from the  
3 families of enrolled children or  
4 other means; and

5 “(bb) at least 50 percent of  
6 the children enrolled at the pro-  
7 gram food service site meet the  
8 income standards for free or re-  
9 duced price school meals under  
10 this Act and the Child Nutrition  
11 Act of 1966 (42 U.S.C. 1771 et  
12 seq.);

13 “(IV) a geographic area, as de-  
14 fined by the Secretary based on infor-  
15 mation provided from a department of  
16 welfare or zoning commission, in  
17 which at least 50 percent of the chil-  
18 dren residing in that area are eligible  
19 for free or reduced price school meals  
20 under this Act and the Child Nutri-  
21 tion Act of 1966 (42 U.S.C. 1771 et  
22 seq.); or

23 “(V) an area for which the pro-  
24 gram food service site demonstrates  
25 through other means approved by the

1 Secretary that at least 50 percent of  
2 the children enrolled at the program  
3 food service site are eligible for free or  
4 reduced price school meals under this  
5 Act and the Child Nutrition Act of  
6 1966 (42 U.S.C. 1771 et seq.).

7 “(ii) DURATION OF DETERMINA-  
8 TION.—A determination that an area is an  
9 area in which poor economic conditions  
10 exist under clause (i) shall be in effect  
11 for—

12 “(I) in the case of an area de-  
13 scribed in clause (i)(I), 5 years;

14 “(II) in the case of an area de-  
15 scribed in clause (i)(II), until more re-  
16 cent census data are available;

17 “(III) in the case of an area de-  
18 scribed in clause (i)(III), 1 year; and

19 “(IV) in the case of an area de-  
20 scribed in subclause (IV) or (V) of  
21 clause (i), a period of time to be de-  
22 termined by the Secretary, but not  
23 less than 1 year.

24 “(B) CHILDREN.—The term children  
25 means—

1                   “(i) individuals who are 18 years of  
2                   age and under; and

3                   “(ii) individuals who are older than 18  
4                   years of age who are—

5                   “(I) determined by a State edu-  
6                   cational agency or a local public edu-  
7                   cational agency of a State, in accord-  
8                   ance with regulations promulgated by  
9                   the Secretary, to have a disability;  
10                  and

11                  “(II) participating in a public or  
12                  nonprofit private school program es-  
13                  tablished for individuals who have a  
14                  disability.

15                  “(C) PROGRAM.—The term program  
16                  means the summer food service program for  
17                  children authorized by this section.

18                  “(D) SERVICE INSTITUTION.—The term  
19                  service institution means a public or private  
20                  nonprofit school food authority, local, munic-  
21                  ipal, or county government, public or private  
22                  nonprofit higher education institution partici-  
23                  pating in the National Youth Sports Program,  
24                  or residential public or private nonprofit sum-  
25                  mer camp, that develops special summer or

1 school vacation programs providing food service  
2 similar to food service made available to chil-  
3 dren during the school year under the school  
4 lunch program under this Act or the school  
5 breakfast program under the Child Nutrition  
6 Act of 1966 (42 U.S.C. 1771 et seq.).

7 “(E) STATE.—The term ‘State’ means—

8 “(i) each of the several States of the  
9 United States;

10 “(ii) the District of Columbia;

11 “(iii) the Commonwealth of Puerto  
12 Rico;

13 “(iv) Guam;

14 “(v) American Samoa;

15 “(vi) the Commonwealth of the North-  
16 ern Mariana Islands; and

17 “(vii) the United States Virgin Is-  
18 lands.”.

19 (B) CONFORMING AMENDMENTS.—Section  
20 13(a) of the Richard B. Russell National School  
21 Lunch Act (42 U.S.C. 1761(a)) is further  
22 amended—

23 (i) in paragraph (2)—



1 (I) by striking “(2) To the max-  
2 imum extent feasible,” and inserting  
3 the following:

4 “(2) PROGRAM AUTHORIZATION.—

5 “(A) IN GENERAL.—The Secretary may  
6 carry out a program to assist States, through  
7 grants-in-aid and other means, to initiate and  
8 maintain nonprofit summer food service pro-  
9 grams for children in service institutions.

10 “(B) PREPARATION OF FOOD.—

11 “(i) IN GENERAL.—To the maximum  
12 extent feasible,”; and

13 (II) by striking “The Secretary  
14 shall” and inserting the following:

15 “(ii) INFORMATION AND TECHNICAL  
16 ASSISTANCE.—The Secretary shall”;

17 (ii) in paragraph (3)—

18 (I) by striking “(3) Eligible serv-  
19 ice institutions” and inserting the fol-  
20 lowing:

21 “(3) ELIGIBLE SERVICE INSTITUTIONS.—Eligi-  
22 ble service institutions”; and

23 (II) by indenting subparagraphs

24 (A) through (D) appropriately;

25 (iii) in paragraph (4)—

1 (I) by redesignating subpara-  
2 graphs (A) through (D) as clauses (i)  
3 through (iv), respectively, and indent-  
4 ing appropriately;

5 (II) by striking “(4) The fol-  
6 lowing” and inserting the following:

7 “(4) PRIORITY.—

8 “(A) IN GENERAL.—The following”; and

9 (III) by striking “The Secretary  
10 and the States” and inserting the fol-  
11 lowing:

12 “(B) RURAL AREAS.—The Secretary and  
13 the States”;

14 (iv) by striking “(5) Camps” and in-  
15 serting the following:

16 “(5) CAMPS.—Camps”; and

17 (v) by striking “(6) Service institu-  
18 tions” and inserting the following:

19 “(6) GOVERNMENT INSTITUTIONS.—Service in-  
20 stitutions”.

21 (6) REPORT ON IMPACT OF PROCEDURES TO  
22 SECURE STATE SCHOOL INPUT ON COMMODITY SE-  
23 LECTION.—Section 14(d) of the Richard B. Russell  
24 National School Lunch Act (42 U.S.C. 1762a(d)) is

1       amended by striking the matter that follows para-  
2       graph (5).

3               (7) RURAL AREA DAY CARE HOME PILOT PRO-  
4       GRAM.—Section 17 of the Richard B. Russell Na-  
5       tional School Lunch Act (42 U.S.C. 1766) is amend-  
6       ed by repealing subsection (p).

7               (8) CHILD AND ADULT CARE FOOD PROGRAM  
8       TRAINING AND TECHNICAL ASSISTANCE.—Section  
9       17(q) of the Richard B. Russell National School  
10      Lunch Act (42 U.S.C. 1766(q)) is amended by strik-  
11      ing paragraph (3).

12              (9) PILOT PROJECT FOR PRIVATE NONPROFIT  
13      STATE AGENCIES.—Section 18 of the Richard B.  
14      Russell National School Lunch Act (42 U.S.C.  
15      1769) is further amended—

16                      (A) by striking subsection (a); and

17                      (B) by redesignating subsections (b)  
18                      through (k) (as redesignated by section 404), as  
19                      subsections (a) through (j), respectively.

20              (10) OTHER PILOT PROJECTS.—Section 18 of  
21      the Richard B. Russell National School Lunch Act  
22      (42 U.S.C. 1769) is further amended—

23                      (A) by striking subsections (b) through (e)  
24                      (as redesignated by paragraph (9)); and

1 (B) by redesignating subsections (f)  
2 through (i) as subsections (b) through (f), re-  
3 spectively.

4 (11) FRESH FRUIT AND VEGETABLE PRO-  
5 GRAM.—Section 19 of the Richard B. Russell Na-  
6 tional School Lunch Act (42 U.S.C. 1769a(b)) is  
7 amended—

8 (A) by amending subsection (b) to read as  
9 follows:

10 “(b) PROGRAM.—A school participating in the pro-  
11 gram—

12 “(1) shall make free fresh fruits and vegetables  
13 available to students throughout the school day (or  
14 at such other times as are considered appropriate by  
15 the Secretary) in 1 or more areas designated by the  
16 school; and

17 “(2) may make free dried fruit available to stu-  
18 dents throughout the school day (or at such other  
19 times as are considered appropriate by the Sec-  
20 retary) in 1 or more areas designated by the school  
21 only if such dried fruit—

22 “(A) contains no added sugar; and

23 “(B) meets any additional specifications,  
24 as established by the Secretary.”; and

25 (B) in subsection (i)—

- 1 (i) by striking paragraph (2); and  
2 (ii) by redesignating paragraphs (3)  
3 through (7) as paragraphs (2) through (6),  
4 respectively.

5 (12) ACCOMMODATION OF THE SPECIAL DIE-  
6 TARY NEEDS OF INDIVIDUALS WITH DISABILITIES.—  
7 Section 27 of the Richard B. Russell National  
8 School Lunch Act (42 U.S.C. 1769h) is repealed.

9 (b) CHILD NUTRITION ACT OF 1966.—

10 (1) STATE ADMINISTRATIVE EXPENSES MIN-  
11 IMUM LEVELS FOR 2005 THROUGH 2007.—Section  
12 7(a)(1) of the Child Nutrition Act of 1966 (42  
13 U.S.C. 1776(a)(1)) is amended—

14 (A) in subparagraph (A), by striking “Ex-  
15 cept as provided in subparagraph (B), each fis-  
16 cal year” and inserting “Each fiscal year”;

17 (B) by striking subparagraph (B); and

18 (C) by redesignating subparagraph (C) as  
19 subparagraph (B).

20 (2) FRUIT AND VEGETABLE GRANTS UNDER  
21 THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM  
22 FOR WOMEN, INFANTS, AND CHILDREN.—Section  
23 17(f)(11) of the Child Nutrition Act of 1966 (42  
24 U.S.C. 1786(f)(11)) is amended—

25 (A) by striking subparagraph (C); and

1 (B) by redesignating subparagraph (D) as  
2 subparagraph (C).

3 **SEC. 442. EQUIPMENT ASSISTANCE TECHNICAL CORREC-**  
4 **TION.**

5 Notwithstanding any other provision of law, school  
6 food authorities that received a grant for equipment as-  
7 sistance under the grant program carried out under the  
8 heading “Food and Nutrition Service Child Nutrition Pro-  
9 grams” in title I of division A of the American Recovery  
10 and Reinvestment Act of 2009 (Public Law 111–5; 123  
11 Stat. 119) shall be eligible to receive a grant under section  
12 749(j) of the Agriculture, Rural Development, Food and  
13 Drug Administration, and Related Agencies Appropria-  
14 tions Act, 2010 (Public Law 111–80; 123 Stat. 2134) to  
15 make equipment available to schools that did not pre-  
16 viously receive equipment assistance under a grant under  
17 such heading (Public Law 111–5; 123 Stat. 119).

18 **SEC. 443. BUDGETARY EFFECTS.**

19 The budgetary effects of this Act, for the purpose of  
20 complying with the Statutory Pay-As-You-Go Act of 2010,  
21 shall be determined by reference to the latest statement  
22 titled “Budgetary Effects of PAYGO Legislation” for this  
23 Act, submitted for printing in the Congressional Record  
24 by the Chairman of the House Budget Committee, pro-

1 vided that such statement has been submitted prior to the  
2 vote on passage.

3 **SEC. 444. EFFECTIVE DATE.**

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

