

**SUBSTITUTE AMENDMENT TO THE AMENDMENT IN  
THE NATURE OF A SUBSTITUTE TO H.R. 5504  
OFFERED BY MR. KLINE OF MINNESOTA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

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

4 **TITLE I—THE RICHARD B. RUSSELL NATIONAL SCHOOL**  
5 **LUNCH ACT**  
6 **LUNCH ACT**

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

9 **SEC. 101. NUTRITION REQUIREMENTS FOR FLUID MILK.**

10 (a) **DIETARY GUIDELINE.**—Section 9(a)(2)(A) of the  
11 Richard B. Russell National School Lunch Act (42 U.S.C.  
12 1758(a)(2)(A)) is amended by amending clause (i) to read  
13 as follows:

14 “(i) subject to standards established by the Secretary,  
15 shall offer students a variety of fluid milk, which shall be  
16 consistent with the most recent Dietary Guidelines for  
17 Americans published under section 301 of the National

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

3 (b) SUBSTITUTIONS.—Section 9(a)(2)(B) of the  
4 Richard B. Russell National School Lunch Act (42 U.S.C.  
5 1758(a)(2)(B)) is amended by amending clause (ii) to  
6 read as follows:

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

15 **SEC. 102. VERIFICATION OF SAMPLE.**

16 Section 9(b)(3)(D) of the Richard B. Russell Na-  
17 tional School Lunch Act (42 U.S.C. 1758(b)(3)(D)) is  
18 amended—

19 (1) in clause (iii), by inserting “at least” before  
20 “the lesser of”; and

21 (2) in clause (iv)—

22 (A) in subclause (II), by inserting “at  
23 least” before “the lesser of”; and

1 (B) in subclause (III), in the matter pre-  
2 ceding subitem (AA), by inserting “at least”  
3 after “shall be”.

4 **SEC. 103. FOOD DONATION PROGRAM.**

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

8 “(k) FOOD DONATION PROGRAM.—

9 “(1) IN GENERAL.— Each school and local edu-  
10 cational agency participating in the school lunch  
11 program under this Act may donate any food not  
12 consumed under such program to eligible local food  
13 banks or charitable organizations.

14 “(2) GUIDANCE.—

15 “(A) IN GENERAL.—Not later than 180  
16 days after the date of the enactment of this  
17 subsection, the Secretary shall develop and pub-  
18 lish guidance to schools and local educational  
19 agencies participating in the school lunch pro-  
20 gram under this Act to assist such schools and  
21 local educational agencies in donating food  
22 under this subsection.

23 “(B) UPDATES.—The Secretary shall up-  
24 date such guidance as necessary.

1           “(3) DEFINITION.—In this subsection, the term  
2           ‘eligible local food banks or charitable organizations’  
3           means any food bank or charitable organization  
4           which is exempt from tax under section 501(c)(3) of  
5           the Internal Revenue Code of 1986 (26 U.S.C.  
6           501(c)(3)).”.

7   **SEC. 104. ENSURING SAFETY OF SCHOOL MEALS.**

8           The Richard B. Russell National School Lunch Act  
9           is amended by inserting after section 28 (42 U.S.C. 1769i)  
10          the following:

11   **“SEC. 29. ENSURING SAFETY OF SCHOOL MEALS.**

12          “(a) FOOD AND NUTRITION SERVICE.—Not later  
13          than 1 year after the date of the enactment of the Improv-  
14          ing Nutrition for America’s Children Act, the Secretary,  
15          acting through the Administrator of the Food and Nutri-  
16          tion Service, shall—

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

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

4           “(3) improve the timeliness and completeness of  
5 direct communication between the Food and Nutri-  
6 tion Service and States about holds and recalls, such  
7 as through the commodity alert system of the Food  
8 and Nutrition Service; and

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

16       “(b) FOOD SAFETY AND INSPECTION SERVICE.—Not  
17 later than 1 year after the date of the Improving Nutrition  
18 for America’s Children Act, the Secretary, acting through  
19 the Administrator of the Food Safety and Inspection Serv-  
20 ice, shall revise the procedures of the Food Safety and  
21 Inspection Service to ensure that schools are included in  
22 effectiveness checks.”.

1 **SEC. 105. INDEPENDENT REVIEW OF APPLICATIONS.**

2 Section 22(b) of the Richard B. Russell National  
3 School Lunch Act (42 U.S.C. 1769c(b)) is amended by  
4 adding at the end the following:

5 “(6) ELIGIBILITY DETERMINATION REVIEW FOR  
6 SELECTED LOCAL EDUCATIONAL AGENCIES.—

7 “(A) IN GENERAL.—A local educational  
8 agency that has demonstrated a high level of, or  
9 a high risk for, administrative error associated  
10 with certification, verification, and other admin-  
11 istrative processes, as determined by the Sec-  
12 retary, shall ensure that the initial eligibility de-  
13 termination for each application is reviewed for  
14 accuracy prior to notifying a household of the  
15 eligibility or ineligibility of the household for  
16 free or reduced price meals.

17 “(B) TIMELINESS.—The review of initial  
18 eligibility determinations—

19 “(i) shall be completed in a timely  
20 manner; and

21 “(ii) shall not result in the delay of an  
22 eligibility determination for more than 10  
23 operating days after the date on which the  
24 application is submitted.

25 “(C) ACCEPTABLE TYPES OF REVIEW.—  
26 Subject to standards established by the Sec-

1           retary, the system used to review eligibility de-  
2           terminations for accuracy shall be conducted by  
3           an individual or entity that did not make the  
4           initial eligibility determination.

5           “(D) NOTIFICATION OF HOUSEHOLD.—  
6           Once the review of an eligibility determination  
7           has been completed under this paragraph, the  
8           household shall be notified immediately of the  
9           determination of eligibility or ineligibility for  
10          free or reduced price meals.

11          “(E) REPORTING.—

12           “(i) LOCAL EDUCATIONAL AGEN-  
13           CIES.—In accordance with procedures es-  
14           tablished by the Secretary, each local edu-  
15           cational agency required to review initial  
16           eligibility determinations shall submit to  
17           the relevant State agency a report describ-  
18           ing the results of the reviews, including—

19                   “(I) the number and percentage  
20                   of reviewed applications for which the  
21                   eligibility determination was changed  
22                   and the type of change made; and

23                   “(II) such other information as  
24                   the Secretary determines to be nec-  
25                   essary.

1                   “(ii) STATE AGENCIES.—In accord-  
2                   ance with procedures established by the  
3                   Secretary, each State agency shall submit  
4                   to the Secretary a report describing the re-  
5                   sults of the reviews of initial eligibility de-  
6                   terminations, including—

7                                 “(I) the number and percentage  
8                                 of reviewed applications for which the  
9                                 eligibility determination was changed  
10                                and the type of change made; and

11                               “(II) such other information as  
12                               the Secretary determines to be nec-  
13                               essary.

14                   “(iii) TRANSPARENCY.—The Sec-  
15                   retary shall publish annually the results of  
16                   the reviews of initial eligibility determina-  
17                   tions by State, number, percentage, and  
18                   type of error.”.

19 **SEC. 106. DIRECT CERTIFICATION OF MILITARY PER-**  
20 **SONNEL.**

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

24                   “(16) DIRECT CERTIFICATION OF CHILDREN OF  
25                   MILITARY PERSONNEL.—



1           “(A) IN GENERAL.—Subject to paragraph  
2           (6), any local educational agency may certify as  
3           eligible for free lunches or breakfasts, without  
4           further application (as defined in paragraph  
5           (4)(G)), any child who is a dependent of a par-  
6           ent receiving a supplemental subsistence allow-  
7           ance for low-income families with dependents  
8           under section 402a of title 37, United States  
9           Code.

10           “(B) IMPLEMENTATION.—Not later than  
11           90 days of the date of the enactment of this  
12           paragraph, the Secretary, in consultation with  
13           the Secretary of Defense and the Secretary of  
14           Education, shall establish procedures to directly  
15           certify any child who is a dependent of a parent  
16           receiving a supplemental subsistence allowance  
17           for low-income families with dependents under  
18           section 402a of title 37, United States Cod.

19           “(C) REPORT.—Not later than 180 days  
20           after the date of enactment of this paragraph,  
21           the Secretary shall submit to the Committee on  
22           Education and Labor of the House of Rep-  
23           resentatives and the Committee on Agriculture,  
24           Nutrition, and Forestry a report describing the

1           procedures for carrying out the requirements of  
2           this paragraph.”.

3 **SEC. 107. TECHNICAL AMENDMENTS.**

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

6           (1) by striking “(f)” and all that follows  
7           through the end of paragraph (1) and inserting the  
8           following:

9           “(f) NUTRITIONAL REQUIREMENTS.—Schools that  
10          are participating in the school lunch program or school  
11          breakfast program shall serve lunches and breakfasts  
12          under the program that are consistent with the goals of  
13          the most recent Dietary Guidelines for Americans pub-  
14          lished under section 301 of the National Nutrition Moni-  
15          toring and Related Research Act of 1990 (7 U.S.C.  
16          5341).”;

17          (2) by striking paragraph (2); and

18          (3) by redesignating paragraphs (3) through  
19          (5) as paragraphs (2) through (4), respectively.

20          (4) ROUNDING RULES FOR COMPUTATION OF  
21          ADJUSTMENT.—Section 11(a)(3)(B) of the Richard  
22          B. Russell National School Lunch Act (42 U.S.C.  
23          1759a(a)(3)(B)) is amended by striking “ROUND-  
24          ING.—” and all that follows through “On July” in

1 subclause (II) and inserting “ROUNDING.—On  
2 July”.

3 (5) 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 (6) 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 striking subsection (k).

12 **SEC. 108. PROCUREMENT TECHNICAL ASSISTANCE AND**  
13 **GUIDANCE.**

14 Subsection (m) of section 12 of the Richard B. Rus-  
15 sell National School Lunch Act (42 U.S.C. 1760(m)) is  
16 amended to read as follows:

17 “(m) PROCUREMENT.—

18 “(1) IN GENERAL.—The Secretary shall provide  
19 technical assistance, guidance, and training to State  
20 agencies, local educational agencies, and school food  
21 authorities for the procurement of goods and serv-  
22 ices for programs under this Act and the Child Nu-  
23 trition Act of 1966 (42 U.S.C. 1771 et seq.) (other  
24 than section 17 of that Act (42 U.S.C. 1786)).

1           “(2) BUY AMERICAN TRAINING.—Activities car-  
2           ried out under paragraph (1) shall include technical  
3           assistance and training to ensure compliance with  
4           subsection (n).

5           “(3) FOOD PROCUREMENT.—

6           “(A) SURVEY OF FOOD PRODUCT INFOR-  
7           MATION.—

8           “(i) IN GENERAL.—The Secretary  
9           shall assess the availability and quality of  
10          food product information available to  
11          school food authorities for foods most com-  
12          monly offered in the school nutrition pro-  
13          grams under this Act and the Child Nutri-  
14          tion Act of 1966 (42 U.S.C. 1771 et seq.),  
15          including commodity foods, commercial  
16          foods, and foods procured directly from a  
17          farm.

18          “(ii) SCOPE.—The scope of the as-  
19          sessment should survey what type of food  
20          product information school food authorities  
21          have access to including—

22                       “(I) nutritional information;

23                       “(II) information on the food  
24                       safety standards that a food product

1 has met throughout production and  
2 processing; and

3 “(III) any other food product in-  
4 formation as determined by the Sec-  
5 retary.

6 “(iii) PROCUREMENT SPECIFICA-  
7 TIONS.—As part of the survey under this  
8 subparagraph, the Secretary shall collect  
9 best practices and models for food product  
10 specifications, including nutrition and food  
11 safety specifications, for foods (by type)  
12 used in the school nutrition programs.

13 “(iv) REPORT.—Not later than 2  
14 years after the date of the enactment of  
15 the Improving Nutrition for America’s  
16 Children Act, the Secretary shall submit to  
17 the Committee on Education and Labor of  
18 the House of Representatives and the  
19 Committee on Agriculture, Nutrition, and  
20 Forestry of the Senate a report on the re-  
21 sults of the assessment and include such  
22 legislative recommendations as the Sec-  
23 retary considers necessary to ensure that  
24 school food authorities have access to food  
25 product information needed for compliance

1 with the requirements for the school nutri-  
2 tion programs under this Act and the  
3 Child Nutrition Act of 1966 (42 U.S.C.  
4 1771 et seq.).

5 “(B) MODEL PROCUREMENT SPECIFICA-  
6 TIONS.—Not later than 1 year after the comple-  
7 tion of the survey under subparagraph (A), the  
8 Secretary shall make available to State agencies  
9 and school food authorities model product speci-  
10 fications for foods most commonly offered in  
11 school nutrition programs under this Act and  
12 the Child Nutrition Act of 1966 (42 U.S.C.  
13 1771 et seq.) that—

14 “(i) reflect the goals of the most re-  
15 cent Dietary Guidelines for Americans  
16 published under section 301 of the Na-  
17 tional Nutrition Monitoring and Related  
18 Research Act of 1990 (7 U.S.C. 5341);

19 “(ii) encourage the use of foods rec-  
20 ommended by the most recent Dietary  
21 Guidelines for Americans, including fruits,  
22 vegetables, fat-free and reduced fat dairy  
23 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) PROCUREMENT COOPERATIVES.—Activities  
15                  carried out under paragraph (1) shall include—

16                         “(A) an examination of the current food  
17                         procurement structure, including commodities,  
18                         from the Federal, State and local perspective,  
19                         with input from representatives of school food  
20                         service, school governance, and food industry  
21                         providers, with the goal of making recommenda-  
22                         tions for increasing efficiency, reducing unnec-  
23                         essary cost, improving quality; and

24                         “(B) guidance and technical assistance on  
25                         foodservice procurement practices to promote

1 improved efficiencies and economies of scale, in-  
2 cluding through the use of purchasing coopera-  
3 tives.

4 “(6) FUNDING.—

5 “(A) MANDATORY FUNDING.—On October  
6 1, 2010, out of any moneys in the Treasury not  
7 otherwise appropriated, the Secretary of the  
8 Treasury shall provide to the Secretary to carry  
9 out this subsection \$4,000,000 to remain avail-  
10 able until expended. The Secretary shall be en-  
11 titled to receive the funds and shall accept the  
12 funds, without further appropriation.

13 “(B) AUTHORIZATION OF APPROPRIA-  
14 TIONS.—In addition to the amounts made avail-  
15 able under subparagraph (A), there are author-  
16 ized to be appropriated to carry out this sub-  
17 section such sums as are necessary for each of  
18 fiscal years 2011 through 2015.”.

19 **Subtitle B—Summer Food Service**  
20 **Program**

21 **SEC. 111. ALIGNMENT OF ELIGIBILITY RULES FOR PUBLIC**  
22 **AND PRIVATE SPONSORS.**

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



1 “(7) PRIVATE NONPROFIT ORGANIZATIONS.—

2 “(A) DEFINITION OF PRIVATE NONPROFIT  
3 ORGANIZATION.—In this paragraph, the term  
4 ‘private nonprofit organization’ means an orga-  
5 nization that—

6 “(i) exercises full control and author-  
7 ity over the operation of the program at all  
8 sites under the sponsorship of the organi-  
9 zation;

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

12 “(iii) demonstrates that the organiza-  
13 tion has adequate management and the fis-  
14 cal capacity to operate a program under  
15 this section;

16 “(iv) has Federal tax exempt status  
17 as described in section 501(c) of the Inter-  
18 nal Revenue Code of 1986 and exempt  
19 from taxation under 501(a) of that Code;

20 “(v) meets applicable State and local  
21 health, safety, and sanitation standards;  
22 and

23 “(vi) meets any operational require-  
24 ments established by the State agency with  
25 respect to the maximum number of total

1 sites and maximum number of children  
2 being served at any one site.

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

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

10 **SEC. 121. CHILD AND ADULT CARE FOOD PROGRAM AUDIT**  
11 **FUNDING.**

12 Section 17(i) of the Richard B. Russell National  
13 School Lunch Act (42 U.S.C. 1766(i)) is amended by  
14 striking paragraph (2) and inserting the following:

15 “(2) FUNDING.—

16 “(A) IN GENERAL.—The Secretary shall  
17 make available for each fiscal year to each  
18 State agency administering the child and adult  
19 care food program, for the purpose of con-  
20 ducting audits of participating institutions, an  
21 amount of up to 1.5 percent of the funds used  
22 by each State in the program under this sec-  
23 tion, during the second preceding fiscal year.

24 “(B) ADDITIONAL FUNDING.—

1                   “(i) IN GENERAL.—Subject to clause  
2                   (ii), for fiscal year 2016 and each fiscal  
3                   year thereafter, the Secretary may increase  
4                   the amount of funds made available to any  
5                   State agency under subparagraph (A), if  
6                   the State agency demonstrates that the  
7                   State agency can effectively use the funds  
8                   to improve program management under  
9                   criteria established by the Secretary.

10                   “(ii) LIMITATION.—The total amount  
11                   of funds made available to any State agen-  
12                   cy under this paragraph shall not exceed 2  
13                   percent of the funds used by each State  
14                   agency in the program under this section,  
15                   during the second preceding fiscal year.”.

16 **SEC. 122. REDUCING PAPERWORK AND IMPROVING PRO-**  
17 **GRAM ADMINISTRATION.**

18                   Section 17 of the Richard B. Russell National School  
19 Lunch Act (42 U.S.C. 1766) is further amended by adding  
20 at the end the following:

21                   “(u) REDUCING PAPERWORK AND IMPROVING PRO-  
22 GRAM ADMINISTRATION.—

23                   “(1) ESTABLISHMENT.—The Secretary, in con-  
24 junction with States and participating institutions,  
25 shall continue to examine the feasibility of reducing

1 unnecessary or duplicative paperwork resulting from  
2 regulations and recordkeeping requirements for  
3 State agencies, institutions, family and group day  
4 care homes, and sponsored centers participating in  
5 the program.

6 “(2) DUTIES.—At a minimum, the examination  
7 shall include—

8 “(A) review and evaluation of the rec-  
9 ommendations, guidance, and regulatory prior-  
10 ities developed and issued to comply with sec-  
11 tion 119(i) of the Child Nutrition and WIC Re-  
12 authorization Act of 2004 (42 U.S.C. 1766  
13 note; Public Law 108–265);

14 “(B) examination of additional paperwork  
15 and administrative requirements that have been  
16 established since February 23, 2007, that could  
17 be reduced or simplified; and

18 “(C) examination of any other aspect re-  
19 garding the administration of the program, as  
20 determined by the Secretary.

21 “(3) REPORT.—Not later than 4 years after the  
22 date of enactment of this Act, the Secretary shall  
23 submit to the Committee on Education and Labor of  
24 the House of Representatives and the Committee on  
25 Agriculture, Nutrition, and Forestry of the Senate a

1 report that describes the actions that have been  
2 taken to carry out this section, including—

3 “(A) actions taken to address administra-  
4 tive and paperwork burdens identified as a re-  
5 sult of compliance with section 119(i) of the  
6 Child Nutrition and WIC Reauthorization Act  
7 of 2004 (42 U.S.C. 1766 note; Public Law  
8 108–265);

9 “(B) administrative and paperwork bur-  
10 dens identified as a result of compliance with  
11 section 119(i) of that Act for which no regu-  
12 latory action or policy guidance has been taken;

13 “(C) additional steps that the Secretary is  
14 taking or plans to take to address any adminis-  
15 trative and paperwork burdens identified under  
16 paragraph (2)(B) and subparagraph (B), in-  
17 cluding—

18 “(i) new or updated regulations, pol-  
19 icy, guidance, or technical assistance; and

20 “(ii) a timeframe for the completion  
21 of those steps; and

22 “(D) recommendations to Congress for  
23 modifications to existing statutory authorities  
24 needed to address identified administrative and  
25 paperwork burdens.”.

1                   **Subtitle D—Miscellaneous**

2   **SEC. 131. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND IN-**  
3                   **DIVIDUALS.**

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

7           “(r) DISQUALIFIED SCHOOLS, INSTITUTIONS, AND  
8 INDIVIDUALS.—Any school, institution, service institution,  
9 facility, or individual that has been terminated from any  
10 program authorized under this Act or the Child Nutrition  
11 Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of  
12 disqualified institutions and individuals under section 13  
13 or section 17(d)(5)(E) of this Act may not be approved  
14 to participate in or administer any program authorized  
15 under this Act or the Child Nutrition Act of 1966 (42  
16 U.S.C. 1771 et seq.).”.

17                   **Subtitle E—Reauthorizing**  
18                   **Provisions**

19   **SEC. 141. COMMODITY SUPPORT.**

20           Section 6(e)(1)(B) of the Richard B. Russell National  
21 School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended  
22 by striking “September 30, 2010” and inserting “Sep-  
23 tember 30, 2015”.

1 **SEC. 142. FOOD SAFETY AUDITS AND REPORTS BY STATES.**

2 Section 9(h) of the Richard B. Russell National  
3 School Lunch Act (42 U.S.C. 1758(h)) is amended—

4 (1) in paragraph (3), by striking “2006  
5 through 2010” and inserting “2011 through 2015”;  
6 and

7 (2) in paragraph (4), by striking “2006  
8 through 2010” and inserting “2011 through 2015”.

9 **SEC. 143. AUTHORIZATION OF THE SUMMER FOOD SERVICE**  
10 **PROGRAM FOR CHILDREN.**

11 Subsection (r) of section 13 of the Richard B. Russell  
12 National School Lunch Act (42 U.S.C. 1761) is amended  
13 by striking “September 30, 2009” and inserting “Sep-  
14 tember 30, 2015”.

15 **TITLE II—CHILD NUTRITION ACT**  
16 **OF 1966**  
17 **Subtitle A—Special Supplemental**  
18 **Nutrition Program for Women,**  
19 **Infants, and Children**

20 **SEC. 201. CERTIFICATION PERIODS.**

21 Section 17(d)(3)(A) of the Child Nutrition Act of  
22 1966 (42 U.S.C. 1786(d)(3)(A)) is amended by adding at  
23 the end the following:

24 “(iii) CHILDREN.—A State may elect  
25 to certify participant children for a period  
26 of up to 1 year, if the State electing the

1 option provided under this clause ensures  
2 that participant children receive required  
3 health and nutrition assessments.”.

4 **SEC. 202. REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.**

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

9 **SEC. 203. SHARING OF MATERIALS WITH OTHER PRO-**  
10 **GRAMS.**

11 Section 17(e)(3) of the Child Nutrition Act (42  
12 U.S.C. 1786(e)(3)) is amended by striking subparagraph  
13 (B) and inserting the following:

14 “(B) SHARING OF MATERIALS WITH  
15 OTHER PROGRAMS.—

16 “(i) COMMODITY SUPPLEMENTAL  
17 FOOD PROGRAM.—The Secretary may pro-  
18 vide, in bulk quantity, nutrition education  
19 material developed with funds made avail-  
20 able for the program authorized under this  
21 section to State agencies administering the  
22 commodity supplemental food program es-  
23 tablished under section 5 of the Agri-  
24 culture and Consumer Protection Act of



1 1973 (7 U.S.C. 612c note; Public Law 93–  
2 86) at no cost to that program.

3 “(ii) CHILD AND ADULT CARE FOOD  
4 PROGRAM.—A State agency may allow the  
5 local agencies or clinics under the State  
6 agency to share nutrition educational ma-  
7 terials with institutions participating in the  
8 child and adult care food program estab-  
9 lished under section 17 of the Richard B.  
10 Russell National School Lunch Act (42  
11 U.S.C. 1766) at no cost to that program,  
12 if a written materials sharing agreement  
13 exists between the relevant agencies.”.

14 **SEC. 204. ESTABLISHMENT OF ELECTRONIC BENEFIT**  
15 **TRANSFER SYSTEM.**

16 Section 17(h) of the Child Nutrition Act of 1966 (42  
17 U.S.C. 1786(h)) is amended by striking paragraph (12)  
18 and inserting the following:

19 “(12) ELECTRONIC BENEFIT TRANSFER.—  
20 “(A) DEFINITIONS.—In this paragraph:  
21 “(i) ELECTRONIC BENEFIT TRANS-  
22 FER.—The term electronic benefit transfer  
23 means a food delivery system that provides  
24 benefits using a card or other access device

1 approved by the Secretary that permits  
2 electronic access to program benefits.

3 “(ii) PROGRAM.—The term program  
4 means the special supplemental nutrition  
5 program established by this section.

6 “(B) REQUIREMENTS.—

7 “(i) IN GENERAL.—Not later than Oc-  
8 tober 1, 2020, each State agency shall be  
9 required to implement electronic benefit  
10 transfer systems throughout the State, un-  
11 less the Secretary grants an exemption  
12 under subparagraph (C) for a State agency  
13 that is facing unusual barriers to imple-  
14 ment an electronic benefit transfer system.

15 “(ii) RESPONSIBILITY.—The State  
16 agency shall be responsible for the coordi-  
17 nation and management of the electronic  
18 benefit transfer system of the agency.

19 “(C) EXEMPTIONS.—

20 “(i) IN GENERAL.—To be eligible for  
21 an exemption from the statewide imple-  
22 mentation requirements of subparagraph  
23 (B)(i), a State agency shall demonstrate to  
24 the satisfaction of the Secretary 1 or more  
25 of the following:

1                   “(I) There are unusual techno-  
2                   logical barriers to implementation.

3                   “(II) Operational costs are not  
4                   affordable within the nutrition serv-  
5                   ices and administration grant of the  
6                   State agency.

7                   “(III) It is in the best interest of  
8                   the program to grant the exemption.

9                   “(ii) SPECIFIC DATE.—A State agency  
10                  requesting an exemption under clause (i)  
11                  shall specify a date by which the State  
12                  agency anticipates statewide implementa-  
13                  tion described in subparagraph (B)(i).

14                  “(D) REPORTING.—

15                  “(i) IN GENERAL.—Each State agency  
16                  shall submit to the Secretary electronic  
17                  benefit transfer project status reports to  
18                  demonstrate the progress of the State to-  
19                  ward statewide implementation.

20                  “(ii) CONSULTATION.—If a State  
21                  agency plans to incorporate additional pro-  
22                  grams in the electronic benefit transfer  
23                  system of the State, the State agency shall  
24                  consult with the State agency officials re-  
25                  sponsible for administering the programs

1 prior to submitting the planning docu-  
2 ments to the Secretary for approval.

3 “(iii) REQUIREMENTS.—At a min-  
4 imum, a status report submitted under  
5 clause (i) shall contain—

6 “(I) an annual outline of the  
7 electronic benefit transfer implemen-  
8 tation goals and objectives of the  
9 State;

10 “(II) appropriate updates in ac-  
11 cordance with approval requirements  
12 for active electronic benefit transfer  
13 State agencies; and

14 “(III) such other information as  
15 the Secretary may require.

16 “(E) IMPOSITION OF COSTS ON VEN-  
17 DORS.—

18 “(i) COST PROHIBITION.—Except as  
19 otherwise provided in this paragraph, the  
20 Secretary may not impose, or allow a State  
21 agency to impose, the costs of any equip-  
22 ment or system required for electronic ben-  
23 efit transfers on any authorized vendor in  
24 order to transact electronic benefit trans-

1           fers if the vendor equipment or system is  
2           used solely to support the program

3           “(ii) COST-SHARING.—The Secretary  
4           shall establish criteria for cost-sharing by  
5           State agencies and vendors of costs associ-  
6           ated with any equipment or system that is  
7           not solely dedicated to transacting elec-  
8           tronic benefit transfers for the program.

9           “(iii) FEES.—A vendor that elects to  
10          accept electronic benefit transfers using  
11          multifunction equipment shall pay commer-  
12          cial transaction processing costs and fees  
13          imposed by a third-party processor that  
14          the vendor elects to use to connect to the  
15          electronic benefit transfer system of the  
16          State.

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                   **Subtitle B—Reauthorizing** 12                   **Provisions**

### 13   **SEC. 211. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.**

14                  Section 7(i)(4) of the Child Nutrition Act of 1966  
15                  (42 U.S.C. 1776(i)(4)) is amended by striking “2005  
16                  through 2009” and inserting “2010 through 2015”.

### 17   **SEC. 212. STATE ADMINISTRATIVE EXPENSES.**

18                  Section 7(j) of the Child Nutrition Act of 1966 (42  
19                  U.S.C. 1776(j)) is amended by striking “October 1, 2009”  
20                  and inserting “October 1, 2015”.

### 21   **SEC. 213. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM** 22                   **FOR WOMEN, INFANTS, AND CHILDREN.**

23                  Section 17(g)(1)(A) of the Child Nutrition Act of  
24                  1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking

1 “each of fiscal years 2004 through 2009” and inserting  
2 “each of fiscal years 2010 through 2015”.

3 **SEC. 214. FARMERS MARKET NUTRITION PROGRAM.**

4 Section 17(m)(9) of the Child Nutrition Act of 1966  
5 (42 U.S.C. 1786(m)(9)) is amended by striking subpara-  
6 graph (A) and inserting the following:

7 “(A) AUTHORIZATION OF APPROPRIA-  
8 TIONS.—There are authorized to be appro-  
9 priated to carry out this subsection such sums  
10 as are necessary for each of fiscal years 2010  
11 through 2015.”.

12 **TITLE III—MISCELLANEOUS**

13 **SEC. 301. EFFECTIVE DATE.**

14 Except as otherwise specifically provided in this Act,  
15 or any of the amendments made by this Act, this Act and  
16 the amendments made by this Act take effect on October  
17 1, 2010.

