

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

# H. R. 5504

To reauthorize child nutrition programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2010

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

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## A BILL

To reauthorize child nutrition programs, and for other purposes.

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

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

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

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

- Sec. 1. Short title; table of contents.  
 Sec. 2. Definition of Secretary.

TITLE I—A PATH TO END CHILDHOOD HUNGER

Subtitle A—National School Lunch Program

- Sec. 101. Categorical eligibility of foster children.  
 Sec. 102. Improving direct certification.  
 Sec. 103. Direct certification for children receiving medicaid benefits.  
 Sec. 104. Eliminating individual applications through community eligibility.  
 Sec. 105. Year-round school based meal service.  
 Sec. 106. School Breakfast Expansion Grants.

Subtitle B—Summer Food Service Program

- Sec. 111. Alignment of eligibility rules for public and private sponsors.  
 Sec. 112. Outreach to eligible families.  
 Sec. 113. Summer Food Service Program year-round option.  
 Sec. 114. Rural Access to Summer Food Service Program.

Subtitle C—Child and Adult Care Food Program

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

Subtitle D—Special Supplemental Nutrition Program for Women, Infants,  
 and Children

- Sec. 131. Certification periods.

Subtitle E—Miscellaneous

- Sec. 141. Childhood Hunger Research.  
 Sec. 142. State Childhood Hunger Challenge Grants.  
 Sec. 143. Policies and Practices to Prevent Overt Identification.  
 Sec. 144. Study relating to the child and adult care food program.  
 Sec. 145. Weekends and holidays without hunger.

TITLE II—IMPROVING NUTRITION QUALITY

Subtitle A—School Nutrition Programs

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

Subtitle B—Child and Adult Care Food Program

- Sec. 221. Nutrition and wellness goals for meals served through the child and adult care food program.
- Sec. 222. Study on nutrition and wellness quality of child care settings.

Subtitle C—Special Supplemental Nutrition Program for Women, Infants, and Children

- Sec. 231. Support for breastfeeding in the WIC program.
- Sec. 232. Review of available supplemental foods.

Subtitle D—Miscellaneous

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

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

Subtitle A—National School Lunch Program

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

Subtitle B—Summer Food Service Program

- Sec. 321. Summer food service program permanent operating agreements.
- Sec. 322. Summer food service program disqualification.

Subtitle C—Child and Adult Care Food Program

- Sec. 331. Renewal of application materials and permanent operating agreements.
- Sec. 332. State liability for payments to aggrieved child care institutions.
- Sec. 333. Application submission by sponsored family or group day care homes.
- Sec. 334. Administrative payments to sponsoring organizations.
- Sec. 335. Child and adult care food program audit funding.
- Sec. 336. Reducing paperwork and improving program administration.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

- Sec. 351. Sharing of materials with other programs.
- Sec. 352. WIC program management.

## Subtitle E—Miscellaneous

- Sec. 361. Full use of Federal funds.
- Sec. 362. Disqualified schools, institutions, and individuals.

## TITLE IV—MISCELLANEOUS

## Subtitle A—Reauthorization of Expiring Provisions

## PART 1—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

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

## PART 2—CHILD NUTRITION ACT OF 1966

- Sec. 421. Technology infrastructure improvement.
- Sec. 422. State administrative expenses.
- Sec. 423. Special supplemental nutrition program for women, infants, and children.
- Sec. 424. Farmers market nutrition program.

## Subtitle B—Technical Amendments

- Sec. 441. Technical amendments.
- Sec. 442. Equipment assistance technical correction.
- Sec. 443. Budgetary effects.
- Sec. 444. Effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(E) PERFORMANCE AWARDS.—

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

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

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

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

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

16           “(bb) substantial improve-  
17 ment.

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

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



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

12          “(iv) FUNDING.—

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

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

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

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

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

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

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

15                   “(F)       CONTINUOUS       IMPROVEMENT  
 16                   PLANS.—

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

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

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

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

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

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

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

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

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

4                   “(iii) CONTINUOUS IMPROVEMENT  
5                   PLANS.—

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

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

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

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

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

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

13                   “(G) WITHOUT FURTHER APPLICATION.—

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

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

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

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

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

8 “(A) IMPLEMENTATION.—

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

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

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

1 directly certify eligible children under  
2 this paragraph;

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

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

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

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

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

24 “(B) STATE SELECTION.—

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

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

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

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

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



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

4                   “(C) AGREEMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

16 “(G) FUNDING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(iii) FIRST YEAR OF OPTION.—

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



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

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

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

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

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

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

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

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

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

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

24 “(v) GRACE YEAR.—

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

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

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

24                   “(bb) the percentage of  
25 identified students at the school

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

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

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

15 “(vii) MULTIPLIER.—

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

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

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

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

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

11 “(viii) THRESHOLD.—

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

16 “(II) FULL IMPLEMENTATION.—

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

21 “(ix) PHASE-IN.—

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

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

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

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

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

20 “(x) ELECTION OF OPTION.—

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

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

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

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

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

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

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



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

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

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

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

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

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

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

18          “(xi) IMPLEMENTATION.—

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

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

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

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

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

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

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

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

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

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

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

1 schools and local educational  
2 agencies; and

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

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

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

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

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

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

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

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

19 “(aa) program integrity;

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

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

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

1                   “(ee) program participation;  
2                   and

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

10                   “(xiii) FUNDING.—

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

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

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



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

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

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

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

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

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

21 “(2) ALTERNATIVE METHODS.—

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

24 “(i) consider the recommendations of  
25 the Committee on National Statistics of

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

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

10 “(B) USE OF ALTERNATIVE METHODS.—

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

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

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

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

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

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

10 “(C) DEMONSTRATION PROJECTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 “(d) REIMBURSEMENT.—

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

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

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

16 “(C) served without charge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (b) CONFORMING AMENDMENT.—

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

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

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

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

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

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

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

21           “(1) ESTABLISHMENT.—

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

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

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

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

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

12          “(C) BEST PRACTICES.—

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

12          “(5) FUNDING.—

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

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

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

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

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

8                     “(7) PRIVATE NONPROFIT ORGANIZATIONS.—

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

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

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

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

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

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

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

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

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

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

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

21                 “(11) OUTREACH TO ELIGIBLE FAMILIES.—

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

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

6 “(i) the availability and location of  
7 summer food service program meals served  
8 under this section; and

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

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

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

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

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

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

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

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

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

2 **OPTION.**

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

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

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

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

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

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

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

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

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

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



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

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

5                   “(II) on weekends; or

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

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

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

15           “(F) TERMS AND CONDITIONS.—

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

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

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

9 “(iii) REIMBURSEMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7           (4) by striking clause (iv).

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

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

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

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

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

22                               “(B) REIMBURSEMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1           **Subtitle E—Miscellaneous**

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

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

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

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

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

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

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

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

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

20           “(2) provide grants to eligible entities.

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

23           “(1) State;

24           “(2) institution of higher education; or

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

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

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

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

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

17           “(3) the extent to which—

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

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

24           “(i) gaps in program coverage;

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

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

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

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

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

16                  “(f) FUNDING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7           “(e) SELECTION CRITERIA.—

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

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

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

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

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

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

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

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

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

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

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

25 “(B) the Secretary of Labor;

1                   “(C) the Secretary of Education; and

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

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

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

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

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

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

21                  “(3) an annual budget;

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



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

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

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

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

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

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

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

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

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

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

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

21       “(i) LIMITATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13       **SEC. 143. POLICIES AND PRACTICES TO PREVENT OVERT**  
14                   **IDENTIFICATION.**

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

18                   “(10) PROHIBITION OF OVERT IDENTIFICA-  
19          TION.—

20                   “(A) IN GENERAL.—A school participating  
21                   in the school lunch program under this Act  
22                   shall not—

23                           “(i) physically segregate, or otherwise  
24                           discriminate against, any child eligible for  
25                           a free or reduced price meal under this Act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(C) STUDY ON CURRENT PRACTICES.—

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20                   (1) the results of the study;

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

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

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

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

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

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

17           “(2) ELIGIBILITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18          “(4) GUIDELINES.—

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

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

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

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

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

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

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

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

19 “(5) EVALUATION.—

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

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

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

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

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

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

13                   “(B) ELIGIBLE INSTITUTION.—

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

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

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

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

25                                   “(III) a homeless shelter; and



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

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

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

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

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

17                         “(3) ADDITIONAL REIMBURSEMENT.—

18                                 “(A) REGULATIONS.—

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

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

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

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

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

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

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

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

25                  “(C) ADDITIONAL REIMBURSEMENT.—

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

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

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

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

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

4 “(F) ADMINISTRATIVE COSTS.—

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

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

19 “(iii) FUNDING.—

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

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

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

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

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

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

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

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

14 **SEC. 203. WATER.**

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

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

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

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

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

8 **“SEC. 10. REGULATIONS.**

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

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

12 “(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

13 “(1) REGULATIONS.—

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

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

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

26 “(ii) on the school campus; and



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

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

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

25                 “(ii) consider—

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

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

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

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

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

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

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

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

5 “(2) IMPLEMENTATION.—

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

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

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

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

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

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

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

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

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

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

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

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

5           “(B) promote student health and wellness;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           “(3) FUNDING.—

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

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

14           “(e) REPORT.—

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4                   “(3) REPORTING.—

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

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

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

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

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

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

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

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

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

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

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

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

24 “(b) STATE NUTRITION PROMOTION FUNDING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

4           “(C) an Indian tribal organization; and

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

7           “(2) FARM TO SCHOOL GRANTS.—

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

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

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

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

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

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

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

9           “(3) ADMINISTRATION.—

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

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

16           “(C) FEDERAL SHARE.—

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

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

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

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

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

14 “(i) geographical diversity; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(8) FUNDING.—

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

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

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

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

1 “(1) IN GENERAL.—”;

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

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

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

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

12 “(i) INFORMATION EXCHANGE.—

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

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

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



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

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

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

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

14           “(3) FUNDING.—

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

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

20                           and

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

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

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

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

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

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

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

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

15 “(1) IN GENERAL.—

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

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

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

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

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

10 “(1) DEFINITION OF DIETARY GUIDELINES.—

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

16 “(2) NUTRITIONAL REQUIREMENTS.—

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

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

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

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

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

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

1 “(iii) REGULATIONS.—

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

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

21 “(C) EXCEPTIONS.—

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

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

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

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

14 “(4) FLUID MILK.—

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

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

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

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

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

14 “(C) APPROVAL.—

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

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

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

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

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

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

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

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



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

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

8                   “(B) donated by the Secretary;

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

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

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

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

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

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

9                   “(i) menu planning;

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

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

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

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

1 by authoritative scientific organiza-  
2 tions; and

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

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

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

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

24 “(I) information on the impor-  
25 tance of regular age-appropriate phys-

1 ical activity for health and well-being  
2 based on authoritative scientific rec-  
3 ommendations; and

4 “(II) best practices for the imple-  
5 mentation of such recommendations  
6 for physical activity in child care set-  
7 tings;

8 “(iii) encourage adherence to age-ap-  
9 propriate electronic media use by children  
10 based on authoritative scientific rec-  
11 ommendation with—

12 “(I) information on the impor-  
13 tance of age-appropriate use, includ-  
14 ing limitations, of electronic media;  
15 and

16 “(II) best practices for imple-  
17 mentation of such recommendations in  
18 child care settings;

19 “(iv) encourage the engagement of  
20 parents in nutrition and wellness initiatives  
21 for children; and

22 “(v) promote other nutrition and  
23 wellness initiatives, as determined by the  
24 Secretary.

1           “(C) RECOGNITION.—The Secretary, in  
2           consultation with the Secretary of Health and  
3           Human Services, shall establish a program to  
4           recognize State agencies, institutions, family or  
5           group day care homes, and sponsored centers  
6           participating in the program under this section  
7           that demonstrate a comprehensive and innova-  
8           tive approach to promoting nutrition and  
9           wellness in child care settings by—

10                   “(i) providing healthful and develop-  
11                   mentally appropriate meals and supple-  
12                   ments consistent with the nutrition re-  
13                   quirements of the program under this sec-  
14                   tion;

15                   “(ii) providing regular opportunities  
16                   for developmentally appropriate physical  
17                   activity;

18                   “(iii) adhering to developmentally ap-  
19                   propriate guidelines for use of electronic  
20                   media;

21                   “(iv) engaging parents in nutrition  
22                   and wellness initiatives for children; and

23                   “(v) other nutrition and wellness ini-  
24                   tiatives, as determined by the Secretary.

25           “(D) FUNDING.—

1           “(i) IN GENERAL.—On October 1,  
2           2010, out of any funds in the Treasury not  
3           otherwise appropriated, the Secretary of  
4           the Treasury shall transfer to the Sec-  
5           retary to carry out this paragraph  
6           \$10,000,000, to remain available until ex-  
7           pended.

8           “(ii) RECEIPT AND ACCEPTANCE.—  
9           The Secretary shall be entitled to receive,  
10          shall accept, and shall use to carry out this  
11          subsection the funds transferred under  
12          clause (i), without further appropriation.

13          “(3) COMPETITIVE GRANTS.—

14               “(A) GRANTS TO STATE AGENCIES.—From  
15               the funds made available under subparagraph  
16               (G), the Secretary shall award grants, on a  
17               competitive basis, to State agencies partici-  
18               pating in the program under this section for the  
19               purpose of promoting health and nutrition in  
20               child care settings.

21               “(B) PRIORITY.—In awarding grants  
22               under this paragraph, the Secretary shall give  
23               priority to State agencies administering projects  
24               under the program that carry out each of the

1 authorized uses of funds described in subpara-  
2 graph (C)(ii).

3 “(C) USES OF FUNDS.—

4 “(i) REQUIRED USES.—A State agen-  
5 cy receiving a grant under this paragraph  
6 shall use not less than 50 percent of such  
7 grant funds to award subgrants to institu-  
8 tions, including sponsoring organizations,  
9 for the purpose of carrying out the activi-  
10 ties described in clause (ii).

11 “(ii) AUTHORIZED USES.—In addition  
12 to such other activities as the Secretary de-  
13 termines to be appropriate, State agencies  
14 and institutions may use funds received  
15 under this paragraph for activities that—

16 “(I) promote nutrition and phys-  
17 ical activity in child care settings that  
18 reflect the recommendations of—

19 “(aa) the most recent  
20 version of the Dietary Guidelines  
21 for Americans published under  
22 section 301 of the National Nu-  
23 trition Monitoring and Related  
24 Research Act of 1990 (7 U.S.C.  
25 5341); and

1                   “(bb) authoritative scientific  
2                   recommendations;

3                   “(II) provide technical assistance  
4                   and training to sponsors and pro-  
5                   viders of child care centers and family  
6                   or group day care homes in imple-  
7                   menting State or local initiatives de-  
8                   signed to improve the health and nu-  
9                   trition of children in child care set-  
10                  tings;

11                  “(III) perform outreach cam-  
12                  paigns on the State or local level that  
13                  are designed to increase access to the  
14                  program in underserved areas and  
15                  populations, including subsidized child  
16                  care providers; and

17                  “(IV) make innovative use of  
18                  technology to provide training and  
19                  education to promote the nutrition,  
20                  physical activity, and health of chil-  
21                  dren.

22                  “(D) APPLICATION.—To be eligible to re-  
23                  ceive a grant under this paragraph, a State  
24                  agency shall submit an application to the Sec-  
25                  retary at such time, in such manner, and con-



1           taining such information as the Secretary may  
2           require, which shall include—

3                   “(i) a plan to promote child care set-  
4                   tings that encourage healthful behaviors,  
5                   including improvements to the quality of  
6                   meals and supplements provided in institu-  
7                   tions, family or group day care homes, and  
8                   sponsored centers; and

9                   “(ii) a description of—

10                           “(I) the procedures by which the  
11                           State agency will use the grant to  
12                           award subgrants to institutions; and

13                                   “(II) the criteria that the State  
14                                   agency will use in awarding such sub-  
15                                   grants.

16                   “(E) REPORTING.—Any State agency re-  
17                   ceiving a grant under this paragraph shall sub-  
18                   mit a report to the Secretary at such time, in  
19                   such manner, and containing such information  
20                   as the Secretary may require that, at a min-  
21                   imum, shall include—

22                           “(i) a description of the activities sup-  
23                           ported with funds under this paragraph;

24                                   “(ii) the progress of implementing the  
25                                   activities; and

1 “(iii) the outcome of the activities.

2 “(F) BEST PRACTICES.—The Secretary  
3 shall provide to State agencies and institutions  
4 best practices for implementing effective nutri-  
5 tion and wellness initiatives, including best  
6 practices for implementing the activities sup-  
7 ported with funds under this paragraph.

8 “(G) FUNDING.—

9 “(i) IN GENERAL.—On October 1,  
10 2010, out of any funds in the Treasury not  
11 otherwise appropriated, the Secretary of  
12 the Treasury shall transfer to the Sec-  
13 retary to carry out this paragraph  
14 \$25,000,000 to remain available until ex-  
15 pended to carry out this paragraph to re-  
16 main available until expended.

17 “(ii) RECEIPT AND ACCEPTANCE.—  
18 The Secretary shall be entitled to receive,  
19 shall accept, and shall use to carry out this  
20 paragraph the funds transferred under  
21 clause (i) without further appropriation.

22 “(4) ADDITIONAL INFORMATION.—The Sec-  
23 retary, in consultation with the Secretary of Health  
24 and Human Services, shall make available informa-  
25 tion to State agencies and institutions, family and

1 group day care homes, and sponsored centers partic-  
2 icipating in the program under this section on com-  
3 mon food-related choking hazards and avoiding food  
4 choking by young children.”.

5 **SEC. 222. STUDY ON NUTRITION AND WELLNESS QUALITY**  
6 **OF CHILD CARE SETTINGS.**

7 (a) IN GENERAL.—Not less than 3 years after the  
8 date of enactment of this Act, the Secretary, in consulta-  
9 tion with the Secretary of Health and Human Services,  
10 shall enter into a contract for the conduct of a nationally  
11 representative study of child care centers and family or  
12 group day care homes that includes an assessment of—

13 (1) the nutritional quality of all foods provided  
14 to children in child care settings as compared to the  
15 recommendations in the most recent Dietary Guide-  
16 lines for Americans published under section 301 of  
17 the National Nutrition Monitoring and Related Re-  
18 search Act of 1990 (7 U.S.C. 5341);

19 (2) the quantity and type of opportunities for  
20 physical activity provided to children in child care  
21 settings;

22 (3) the quantity of time spent by children in  
23 child care settings in sedentary activities;

24 (4) an assessment of barriers and facilitators  
25 to—

1           (A) providing foods to children in child  
2 care settings that meet the recommendations of  
3 the most recent Dietary Guidelines for Ameri-  
4 cans published under section 301 of the Na-  
5 tional Nutrition Monitoring and Related Re-  
6 search Act of 1990 (7 U.S.C. 5341);

7           (B) providing the appropriate quantity and  
8 type of opportunities of physical activity for  
9 children in child care settings; and

10           (C) participation by institutions, family or  
11 group day care homes, and sponsored centers  
12 under the child and adult care food program es-  
13 tablished under section 17 of the Richard B.  
14 Russell National School Lunch Act (42 U.S.C.  
15 1766); and

16           (5) such other assessment measures as the Sec-  
17 retary may determine to be necessary.

18           (b) REPORT TO CONGRESS.—The Secretary shall  
19 submit to the Committee on Education and Labor of the  
20 House of Representatives and the Committee on Agri-  
21 culture, Nutrition, and Forestry of the Senate, a report  
22 that includes a detailed description of the results of the  
23 study conducted under subsection (a).

24           (c) FUNDING.—

1           (1) IN GENERAL.—On October 1, 2010, out of  
2 any funds in the Treasury not otherwise appro-  
3 priated, the Secretary of the Treasury shall transfer  
4 to the Secretary to carry out this section  
5 \$5,000,000, to remain available until expended.

6           (2) RECEIPT AND ACCEPTANCE.—The Sec-  
7 retary shall be entitled to receive, shall accept, and  
8 shall use to carry out this section the funds trans-  
9 ferred under paragraph (1), without further appro-  
10 priation.

11 **Subtitle C—Special Supplemental**  
12 **Nutrition Program for Women,**  
13 **Infants, and Children**

14 **SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PRO-**  
15 **GRAM.**

16 Section 17 of the Child Nutrition Act of 1966 (42  
17 U.S.C. 1786) is amended—

18           (1) in subsection (a), in the second sentence, by  
19 striking “supplemental foods and nutrition education  
20 through any eligible local agency” and inserting  
21 “supplemental foods and nutrition education, includ-  
22 ing breastfeeding promotion and support, through  
23 any eligible local agency”;

1           (2) in subsection (b)(4), by inserting  
2           “breastfeeding support and promotion,” after “nu-  
3           trition education,”;

4           (3) in subsection (c)(1), in the first sentence, by  
5           striking “supplemental foods and nutrition education  
6           to” and inserting “supplemental foods, nutrition  
7           education, and breastfeeding support and promotion  
8           to”;

9           (4) in subsection (e)(2), in the second sentence,  
10          by inserting “, including breastfeeding support and  
11          education,” after “nutrition education”;

12          (5) in subsection (f)(6)(B), in the first sen-  
13          tence, by inserting “and breastfeeding” after “nutri-  
14          tion education”;

15          (6) in subsection (h)—

16                (A) in paragraph (4)—

17                   (i) by striking “(4) The Secretary”  
18                   and all that follows through “(A) in con-  
19                   sultation” and inserting the following:

20                   “(4) REQUIREMENTS.—

21                        “(A) IN GENERAL.—The Secretary shall—

22                            “(i) in consultation”;

23                            (ii) by redesignating subparagraphs  
24                            (B) through (F) as clauses (ii) through

1 (vi), respectively, and indenting appro-  
2 priately;

3 (iii) in clause (v) (as so redesignated),  
4 by striking “and” at the end;

5 (iv) in clause (vi) (as so redesignated),  
6 by striking “2010 initiative.” and inserting  
7 “initiative; and”; and

8 (v) by adding at the end the following:

9 “(vii) annually compile and publish  
10 breastfeeding performance measurements  
11 based on program participant data on the  
12 number of partially and fully breast-fed in-  
13 fants, including breastfeeding performance  
14 measurements for—

15 “(I) each State agency; and

16 “(II) each local agency;

17 “(viii) in accordance with subpara-  
18 graph (B), implement a program to recog-  
19 nize exemplary breastfeeding support prac-  
20 tices at local agencies or clinics partici-  
21 pating in the special supplemental nutri-  
22 tion program established under this sec-  
23 tion; and

1           “(ix) in accordance with subparagraph  
2           (C), implement a program to provide per-  
3           formance bonuses to State agencies.

4           “(B) EXEMPLARY BREASTFEEDING SUP-  
5           PORT PRACTICES.—

6           “(i) IN GENERAL.—In evaluating ex-  
7           emplary practices under subparagraph  
8           (A)(viii), the Secretary shall consider—

9                   “(I) performance measurements  
10                  of breastfeeding;

11                   “(II) the effectiveness of a peer  
12                  counselor program;

13                   “(III) the extent to which the  
14                  agency or clinic has partnered with  
15                  other entities to build a supportive  
16                  breastfeeding environment for women  
17                  participating in the program; and

18                   “(IV) such other criteria as the  
19                  Secretary considers appropriate after  
20                  consultation with State and local pro-  
21                  gram agencies.

22           “(ii) AUTHORIZATION OF APPROPRIA-  
23           TIONS.—There is authorized to be appro-  
24           priated to carry out the activities described



1 in clause (viii) of subparagraph (A) such  
2 sums as are necessary.

3 “(C) PERFORMANCE BONUSES.—

4 “(i) IN GENERAL.—Following the  
5 publication of breastfeeding performance  
6 measurements under subparagraph  
7 (A)(vii), the Secretary shall provide per-  
8 formance bonus payments to not more  
9 than 20 State agencies that demonstrate,  
10 as compared to other State agencies par-  
11 ticipating in the program—

12 “(I) the highest proportion of  
13 breast-fed infants; or

14 “(II) the greatest improvement in  
15 proportion of breast-fed infants.

16 “(ii) CONSIDERATION.—In providing  
17 performance bonus payments to State  
18 agencies under this subparagraph, the Sec-  
19 retary shall consider the proportion of fully  
20 breast-fed infants in the States.

21 “(iii) USE OF FUNDS.—A State agen-  
22 cy that receives a performance bonus  
23 under clause (i)—

24 “(I) shall treat the funds as pro-  
25 gram income; and

1                   “(II) may transfer the funds to  
2                   local agencies for use in carrying out  
3                   the program.

4                   “(iv) IMPLEMENTATION.—The Sec-  
5                   retary shall provide the first performance  
6                   bonuses not later than 1 year after the  
7                   date of enactment of this clause and may  
8                   subsequently revise the criteria for award-  
9                   ing performance bonuses; and”;  
10                  (B) by striking paragraph (10) and insert-  
11                  ing the following:

12                  “(10) FUNDS FOR INFRASTRUCTURE, MANAGE-  
13                  MENT INFORMATION SYSTEMS, AND SPECIAL NUTRI-  
14                  TION EDUCATION.—

15                  “(A) IN GENERAL.—For each of fiscal  
16                  years 2010 through 2015, the Secretary shall  
17                  use for the purposes specified in subparagraph  
18                  (B) \$139,000,000 (as adjusted annually for in-  
19                  flation by the same factor used to determine the  
20                  national average per participant grant for nutri-  
21                  tion services and administration for the fiscal  
22                  year under paragraph (1)(B)).

23                  “(B) PURPOSES.—Subject to subpara-  
24                  graph (C), of the amount made available under  
25                  subparagraph (A) for a fiscal year—

1 “(i) \$14,000,000 shall be used for—

2 “(I) infrastructure for the pro-  
3 gram under this section;

4 “(II) special projects to promote  
5 breastfeeding, including projects to  
6 assess the effectiveness of particular  
7 breastfeeding promotion strategies;  
8 and

9 “(III) special State projects of  
10 regional or national significance to  
11 improve the services of the program;

12 “(ii) \$35,000,000 shall be used to es-  
13 tablish, improve, or administer manage-  
14 ment information systems for the program,  
15 including changes necessary to meet new  
16 legislative or regulatory requirements of  
17 the program, of which up to \$5,000,000  
18 may be used for Federal administrative  
19 costs for this section; and

20 “(iii) \$90,000,000 shall be used for  
21 special nutrition education (such as  
22 breastfeeding peer counselors and other re-  
23 lated activities), of which not more than  
24 \$10,000,000 of any funding provided in  
25 excess of \$50,000,000 shall be used to

1 make performance bonus payments under  
2 paragraph (4)(C).

3 “(C) ADJUSTMENT.—Each of the amounts  
4 referred to in clauses (i), (ii), and (iii) of sub-  
5 paragraph (B) shall be adjusted annually for  
6 inflation by the same factor used to determine  
7 the national average per participant grant for  
8 nutrition services and administration for the  
9 fiscal year under paragraph (1)(B).

10 “(D) PROPORTIONAL DISTRIBUTION.—The  
11 Secretary shall distribute funds made available  
12 under subparagraph (A) in accordance with the  
13 proportional distribution described in subpara-  
14 graphs (B) and (C).”; and

15 (7) in subsection (j), by striking “supplemental  
16 foods and nutrition education” each place it appears  
17 in paragraphs (1) and (2) and inserting “supple-  
18 mental foods, nutrition education, and breastfeeding  
19 support and promotion”.

20 **SEC. 232. REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.**

21 Section 17(f)(11)(D) of the Child Nutrition Act of  
22 1966 (42 U.S.C. 1786(f)(11)(D)) is amended in the mat-  
23 ter preceding clause (i) by inserting “but not less than  
24 every 10 years,” after “scientific knowledge,”.

**Subtitle D—Miscellaneous****SEC. 242. PROCUREMENT TECHNICAL ASSISTANCE AND  
GUIDANCE.**

Subsection (m) of section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(m)) is amended to read as follows:

“(m) PROCUREMENT.—

“(1) IN GENERAL.—The Secretary shall provide technical assistance, guidance, and training to State agencies, local educational agencies, and school food authorities for the procurement of goods and services for programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (other than section 17 of that Act (42 U.S.C. 1786)).

“(2) BUY AMERICAN TRAINING.—Activities carried out under paragraph (1) shall include technical assistance and training to ensure compliance with subsection (n).

“(3) FOOD PROCUREMENT.—

“(A) SURVEY OF FOOD PRODUCT INFORMATION.—

“(i) IN GENERAL.—The Secretary shall assess the availability and quality of food product information available to school food authorities for foods most com-

1 monly offered in the school nutrition pro-  
2 grams under this Act and the Child Nutri-  
3 tion Act of 1966 (42 U.S.C. 1771 et seq.),  
4 including commodity foods, commercial  
5 foods, and foods procured directly from a  
6 farm.

7 “(ii) SCOPE.—The scope of the as-  
8 sessment should survey what type of food  
9 product information school food authorities  
10 have access to including—

11 “(I) nutritional information;

12 “(II) information on the food  
13 safety standards that a food product  
14 has met throughout production and  
15 processing; and

16 “(III) any other food product in-  
17 formation as determined by the Sec-  
18 retary.

19 “(iii) PROCUREMENT SPECIFICA-  
20 TIONS.—As part of the survey under this  
21 subparagraph, the Secretary shall collect  
22 best practices and models for food product  
23 specifications, including nutrition and food  
24 safety specifications, for foods (by type)  
25 used in the school nutrition programs.

1                   “(iv) REPORT.—Not later than 2 year  
2                   after the date of the enactment of the Im-  
3                   proving Nutrition for America’s Children  
4                   Act, the Secretary shall submit to the  
5                   Committee on Education and Labor of the  
6                   House of Representatives and the Com-  
7                   mittee on Agriculture, Nutrition and For-  
8                   estry of the Senate a report on the results  
9                   of the assessment and include such legisla-  
10                  tive recommendations as the Secretary con-  
11                  siders necessary to ensure that school food  
12                  authorities have access to food product in-  
13                  formation needed for compliance with the  
14                  requirements for the school nutrition pro-  
15                  grams under this Act and the Child Nutri-  
16                  tion Act of 1966 (42 U.S.C. 1771 et seq.).

17                  “(B) MODEL PROCUREMENT SPECIFICA-  
18                  TIONS.—Not later than 1 year after the comple-  
19                  tion of the survey under subparagraph (A), the  
20                  Secretary shall make available to State agencies  
21                  and school food authorities model product speci-  
22                  fications for foods most commonly offered in  
23                  school nutrition programs under this Act and  
24                  the Child Nutrition Act of 1966 (42 U.S.C.  
25                  1771 et seq.) that—

1           “(i) reflect the goals of the most re-  
2           cent Dietary Guidelines for Americans  
3           published under section 301 of the Na-  
4           tional Nutrition Monitoring and Related  
5           Research Act of 1990 (7 U.S.C. 5341);

6           “(ii) encourage the use of foods rec-  
7           ommended by the most recent Dietary  
8           Guidelines for Americans, including fruits,  
9           vegetables, fat-free and reduced fat dairy  
10          products, and whole grains;

11          “(iii) reflect best practices for safe  
12          production, handling, and processing of  
13          foods as determined by the Secretary; and

14          “(iv) any other specifications as deter-  
15          mined by the Secretary.

16          “(4) FOODSERVICE MANAGEMENT PROCURE-  
17          MENT.—Activities carried out under paragraph (1)  
18          shall include model contract specifications and prac-  
19          tices for procuring school food services for the provi-  
20          sion of meals in compliance with the requirements  
21          for administering the school nutrition programs  
22          under this Act and the Child Nutrition Act of 1966  
23          (42 U.S.C. 1771 et seq.).

24          “(5) FUNDING.—



1           “(A) MANDATORY FUNDING.—On October  
2           1, 2010, out of any moneys in the Treasury not  
3           otherwise appropriated, the Secretary of the  
4           Treasury shall provide to the Secretary to carry  
5           out this subsection \$4,000,000 to remain avail-  
6           able until expended. The Secretary shall be en-  
7           titled to receive the funds and shall accept the  
8           funds, without further appropriation.

9           “(B) AUTHORIZATION OF APPROPRIA-  
10          TIONS.—In addition to the amounts made avail-  
11          able under subparagraph (A), there are author-  
12          ized to be appropriated to carry out this sub-  
13          section such sums as are necessary for each of  
14          fiscal years 2011 through 2015.”.

15 **SEC. 243. RESEARCH ON STRATEGIES TO PROMOTE**  
16 **HEALTHY EATING.**

17          (a) IN GENERAL.—The Secretary, in consultation  
18          with the Secretary of Health and Human Services and the  
19          Secretary of Education, shall establish a research, dem-  
20          onstration, and technical assistance program to promote  
21          healthy eating and prevent and reduce the prevalence of  
22          obesity by applying the principles and insights of behav-  
23          ioral economics research in schools, child care programs,  
24          and other settings.

1 (b) PRIORITIES.—In carry out the program under  
2 subsection (a), the Secretary shall—

3 (1) identify and assess the impacts of specific  
4 presentation, placement, and other strategies for  
5 structuring choices on selection and consumption of  
6 healthful foods in a variety of settings, consistent  
7 with the most recent version of the Dietary Guide-  
8 lines for Americans published under section 301 of  
9 the National Nutrition Monitoring and Related Re-  
10 search Act of 1990 (7 U.S.C. 5341);

11 (2) demonstrate and rigorously evaluate behav-  
12 ioral economics-related interventions that hold prom-  
13 ise to improve diets and promote health, including  
14 through demonstration projects that may include  
15 evaluation of the use of portion size, labeling, con-  
16 venience, and other strategies to encourage healthy  
17 choices; and

18 (3) encourage adoption of the most effective  
19 strategies through outreach and technical assistance.

20 (c) AUTHORITY.—In carrying out the program under  
21 subsection (a), the Secretary may—

22 (1) enter into competitively awarded contracts  
23 or cooperative agreements; or

1           (2) provide grants to States or public or private  
2           agencies or organizations, as determined by the Sec-  
3           retary.

4           (d) APPLICATION.—To be eligible to enter into a con-  
5           tract or cooperative agreement or receive a grant under  
6           this section, a State or public or private agency or organi-  
7           zation shall submit to the Secretary an application at such  
8           time, in such manner, and containing such information as  
9           the Secretary may require.

10          (e) COORDINATION.—The solicitation and evaluation  
11          of contracts, cooperative agreements, and grant proposals  
12          considered under this section shall be coordinated with the  
13          Food and Nutrition Service as appropriate to ensure that  
14          funded projects are consistent with the operations of Fed-  
15          erally supported nutrition assistance programs and related  
16          laws (including regulations).

17          (f) ANNUAL REPORTS.—Not later than 90 days after  
18          the end of each fiscal year, the Secretary shall submit to  
19          the Committee on Education and Labor of the House of  
20          Representatives and the Committee on Agriculture, Nutri-  
21          tion, and Forestry of the Senate a report that includes  
22          a description of—

23                 (1) the policies, priorities, and activities of the  
24                 program carried out by the Secretary under this sec-  
25                 tion during the fiscal year;

1           (2) the results of any evaluations completed  
2 during the fiscal year; and

3           (3) the efforts undertaken to disseminate suc-  
4 cessful practices through outreach and technical as-  
5 sistance.

6           (g) AUTHORIZATION OF APPROPRIATIONS.—

7           (1) IN GENERAL.—There are authorized to be  
8 appropriated to carry out this section such sums as  
9 are necessary for each of fiscal years 2011 through  
10 2015.

11           (2) USE OF FUNDS.—The Secretary may use  
12 up to 5 percent of the funds made available under  
13 paragraph (1) for Federal administrative expenses  
14 incurred in carrying out this section.

15 **SEC. 244. FOOD MARKETING STUDY.**

16           (a) STUDY AND REPORT ON FOOD MARKETING.—  
17 From the amounts appropriated under subsection (f), the  
18 Secretary, in consultation with the Secretary of Education  
19 and the Secretary of Health and Human Services, shall  
20 conduct a study on the extent and types of marketing of  
21 foods and beverages in elementary and secondary schools.  
22 In carrying out the study, the Secretary shall collaborate  
23 with, and include information from, the Division of Ado-  
24 lescent and School Health of the Centers for Disease Con-  
25 trol and Prevention.

1 (b) ASSESSMENT OF NUTRITION.—The study con-  
2 ducted under subsection (a) shall assess the nutritional  
3 quality of the types of foods and beverages marketed in  
4 schools.

5 (c) ASSESSMENT OF MEDIA.—The study conducted  
6 subsection (a) shall assess all media through which foods  
7 and beverages are marketed to children in elementary and  
8 secondary schools, including—

9 (1) brand and product logos, names, or infor-  
10 mation on educational materials, book covers, school  
11 supplies, posters, vending machine exteriors, score-  
12 boards, displays, signs, equipment, buses, buildings,  
13 and other school property;

14 (2) educational and other incentive programs;

15 (3) label redemption programs;

16 (4) in-school television, radio, and print publica-  
17 tions;

18 (5) free samples and coupons;

19 (6) branded fundraising activities;

20 (7) taste-testing and other market research ac-  
21 tivities; and

22 (8) incidental exposure to food and beverage  
23 marketing through computer use, including com-  
24 puter banner and wallpaper ads, or podcasts in  
25 schools.

1 (d) EXAMINATION OF REGULATORY MECHANISMS.—

2 The study conducted subsection (a) shall also examine  
3 mechanisms regulating marketing in elementary and sec-  
4 ondary schools, including—

5 (1) Federal, State, and local policies;

6 (2) contracts; and

7 (3) sales incentives.

8 (e) REPORT.—Not later than 1 year after the comple-  
9 tion of the study conducted under subsection (a), the Sec-  
10 retary shall submit to Congress a report on the results  
11 of the study required by subsection (a).

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated \$1,000,000 to carry out  
14 this section.

15 **SEC. 245. NATIONAL SCHOOL LUNCH PROGRAM EQUIP-**  
16 **MENT ASSISTANCE GRANTS.**

17 (a) IN GENERAL.—From the funds made available  
18 under subsection (e), the Secretary shall make payments  
19 to State educational agencies to award grants to school  
20 food authorities for the purchase of equipment for schools  
21 under the jurisdiction of such authorities.

22 (b) ALLOCATION AND REALLOCATION.—

23 (1) ALLOCATION.—Payments under subsection

24 (a) shall be allocated to State educational agencies  
25 in a manner proportional with each agency's admin-

1        administrative expense allocation under section 7(a)(2) of  
2        the Child Nutrition Act of 1966 (42 U.S.C.  
3        1776(a)(2)).

4            (2) REALLOCATION.—If a State educational  
5        agency does not accept or use the amounts made  
6        available under its allocation in accordance with this  
7        section, the Secretary shall reallocate such amounts  
8        to other State educational agencies, as the Secretary  
9        determines necessary.

10        (c) GRANTS TO SCHOOL FOOD AUTHORITIES.—

11            (1) IN GENERAL.—Not later than 180 days  
12        after receiving an allocation under subsection (a), a  
13        State educational agency shall award grants, on a  
14        competitive basis, to school food authorities.

15            (2) APPLICATION.—To qualify to receive a  
16        grant under this section, a school food authority  
17        shall—

18            (A) submit an application to a State edu-  
19        cational agency at such time, in such manner,  
20        and containing such information as the State  
21        educational agency may require; or

22            (B) have submitted an application to re-  
23        ceive equipment assistance under the grant pro-  
24        gram carried out under—

1 (i) the heading “Food and Nutrition  
2 Service Child Nutrition Programs” in title  
3 I of division A of the American Recovery  
4 and Reinvestment Act of 2009 (Public  
5 Law 111–5); or

6 (ii) section 748(j) of the Agriculture,  
7 Rural Development, Food and Drug ad-  
8 ministration, and Related Agencies Appro-  
9 priations Act, 2010 (Public Law 111–80;  
10 123 Stat. 2134).

11 (3) PRIORITY.—In awarding grants to school  
12 food authorities, a State shall give priority to school  
13 food authorities whose application demonstrate that  
14 in providing equipment assistance to schools with  
15 funds received under this section, such authorities  
16 will give priority to schools—

17 (A) in which not less than 50 percent of  
18 the enrolled students are eligible for free or re-  
19 duced price meals under the Richard B. Russell  
20 National School Lunch Act (42 U.S.C. 1751 et  
21 seq.); and

22 (B) that did not benefit from equipment  
23 assistance under the grant program carried out  
24 under—



1 (i) the heading “Food and Nutrition  
2 Service Child Nutrition Programs” in title  
3 I of division A of the American Recovery  
4 and Reinvestment Act of 2009 (Public  
5 Law 111–5; 123 Stat. 119); or

6 (ii) section 748(j) of the Agriculture,  
7 Rural Development, Food and Drug ad-  
8 ministration, and Related Agencies Appro-  
9 priations Act, 2010 (Public Law 111–80;  
10 123 Stat. 2134).

11 (4) USES OF FUNDS.—Under the terms and  
12 conditions established by the Secretary, a school  
13 food authority receiving a grant under this section  
14 shall use such funds to purchase equipment for  
15 schools under the jurisdiction of the school food au-  
16 thority—

17 (A) to improve the quality of food served  
18 under the school nutrition programs established  
19 under the Richard B. Russell National School  
20 Lunch Act (42 U.S.C. 1751 et seq.) and the  
21 Child Nutrition Act of 1966 (42 U.S.C. 1771 et  
22 seq.), consistent with the goals of the most re-  
23 cent Dietary Guidelines for Americans pub-  
24 lished under section 301 of the National Nutri-

1           tion Monitoring and Related Research Act of  
2           1990 (7 U.S.C. 5341);

3           (B) to improve the safety of food served  
4           under the school meal programs;

5           (C) to improve the overall energy efficiency  
6           of school foodservice operations; or

7           (D) for other purposes as established by  
8           the Secretary.

9           (d) ADMINISTRATIVE COSTS.—A State educational  
10          agency receiving an allocation under this section may not  
11          use more than 5 percent of such allocation for administra-  
12          tive costs associated with awarding grants to eligible  
13          school food authorities in accordance with this section.

14          (e) FUNDING.—There are authorized to be appro-  
15          priated to carry out this section such sums as may be nec-  
16          essary for each of fiscal years 2011 through 2015.

17       **SEC. 246. GREEN CAFETERIAS PILOT PROGRAM.**

18          (a) ESTABLISHMENT OF THE PROGRAM.—From the  
19          amounts appropriated to carry out this section under sub-  
20          section (e), the Secretary of Agriculture, in consultation  
21          with the Administrator of the Environmental Protection  
22          Agency, shall establish the green cafeterias pilot program  
23          in accordance with this section to provide competitive  
24          grants to school food authorities to create green cafeterias

1 in the elementary schools and secondary schools under the  
2 jurisdiction of such school food authorities.

3 (b) APPLICATIONS.—In order to receive a grant  
4 under this section, a school food authority shall submit  
5 an application at such time, in such manner, and accom-  
6 panied by such information as the Secretary may require,  
7 including—

8 (1) a description of the schools in which the en-  
9 vironmental improvements described in subsection  
10 (c)(2) will be made using the grant funds;

11 (2) a draft work plan for making the environ-  
12 mental improvements, including a description of the  
13 uses of funds;

14 (3) an assessment of the expected environ-  
15 mental, economic, and educational benefits of the  
16 environmental improvements;

17 (4) a cost estimate of the proposed uses of  
18 funds; and

19 (5) the proposed use of private financing for  
20 such environmental improvements.

21 (c) ALLOWABLE USES.—

22 (1) IN GENERAL.—A school food authority re-  
23 ceiving a grant under this section shall use the grant  
24 to carry out at least 2 of the allowable uses de-  
25 scribed in paragraph (2) in the cafeterias of elemen-

1        tary schools and secondary schools within the juris-  
2        diction of the authority.

3            (2) ALLOWABLE USES.—The allowable uses de-  
4        scribed in this paragraph are as follows:

5            (A) Procurement of environmentally-pref-  
6        erable products, such as recycled content, en-  
7        ergy efficient, or biobased products.

8            (B) Recycling activities, such as—

9                    (i) fat, oil, and grease recycling;

10                    (ii) collection, separation, and proc-  
11        essing of post-consumer waste; or

12                    (iii) composting.

13            (C) Purchasing energy or water efficient  
14        appliances and products that meet Energy Star,  
15        WaterSense guidelines, or the equivalent where  
16        these labels do not exist.

17        (d) EVALUATION.—Not later than 1 after the date  
18        of enactment this section, the Secretary shall evaluate the  
19        pilot program conducted under this section to assess—

20            (1) the types of activities carried out by school  
21        food authorities receiving grants under this section;

22            (2) the immediate cost or savings, including any  
23        projected costs or savings, of the green cafeteria ef-  
24        forts carried out by such school food authorities;

1           (3) the environmental benefits associated with  
2 the green cafeteria efforts; and

3           (4) any other factors and outcomes associated  
4 with carrying out the green cafeteria efforts, as de-  
5 termined by the Secretary.

6       (e) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out this section  
8 such sums as may be necessary for each of fiscal years  
9 2011 through 2015.

10       (f) DEFINITIONS.—In this section:

11           (1) ELEMENTARY SCHOOL; SECONDARY  
12 SCHOOL.—The terms “elementary school” and “sec-  
13 ondary school” have the meanings given such term  
14 in section 9101 of the Elementary and Secondary  
15 Education Act of 1965 (20 U.S.C. 7801).

16           (2) ENVIRONMENTALLY-PREFERABLE.—The  
17 term “environmentally-preferable” means products  
18 or services that have a lesser or reduced effect on  
19 human health and the environment as compared to  
20 competing products or services that serve the same  
21 purpose. The product or service comparison may  
22 consider raw materials acquisition, production, man-  
23 ufacturing, packaging, distribution, reuse, mainte-  
24 nance, or disposal.

1 **SEC. 247. PARTNERSHIPS FOR WELLNESS GRANTS.**

2 (a) IN GENERAL.—From the amounts appropriated  
3 under subsection (i), the Secretary of Agriculture shall  
4 award grants to eligible entities, on a competitive basis,  
5 for projects that leverage community resources and sup-  
6 port student access to physical activity, nutrition edu-  
7 cation, and nutritious foods during the regular school cal-  
8 endar.

9 (b) APPLICATION.—

10 (1) IN GENERAL.—Each eligible entity that de-  
11 sires to receive a grant under this section shall sub-  
12 mit an application to the Secretary at such time, in  
13 such manner, and containing such information as  
14 the Secretary may reasonably require, including—

15 (A) a community-involvement plan de-  
16 scribed in paragraph (2);

17 (B) a description of the partners of the eli-  
18 gible entity that will be involved in the imple-  
19 mentation of the community-involvement plan;

20 (C) a description of the roles that will be  
21 played by each partner of the eligible entity in  
22 the implementation of the community-involvement  
23 plan, including a description of the serv-  
24 ices that will be provided by each partner of the  
25 eligible entity; and

1 (D) a description of how funds received  
2 under this section will be integrated with other  
3 Federal, State, and local funds to maximize  
4 services and opportunities for students, their  
5 families, and the community to be served by the  
6 eligible entity, including a description of how  
7 funds received under this section will be distrib-  
8 uted and utilized.

9 (2) COMMUNITY INVOLVEMENT PLAN.—

10 (A) IN GENERAL.—To be eligible to receive  
11 a grant under this section, an eligible entity  
12 shall develop a plan for leveraging resources,  
13 services, and opportunities available within the  
14 community to be served by the eligible entity in  
15 order to increase, during the regular school cal-  
16 endar, student access to physical activity, and  
17 nutrition education, and nutritious foods.

18 (B) REQUIREMENTS.—The community-in-  
19 volvement plan shall include—

20 (i) a needs assessment based on  
21 guidelines established by the Secretary  
22 that describes the need for access to phys-  
23 ical activity, nutrition education, and nutri-  
24 tious foods, during the regular school cal-  
25 endar, of students served by the local edu-

1 cational agency that is partner of the eligi-  
2 ble entity;

3 (ii) a description of the potential re-  
4 sources, services, and opportunities avail-  
5 able within the community to be served by  
6 the eligible entity, or available near the  
7 community, that the students, the families  
8 of such students, and individuals in the  
9 community may be able to access to meet  
10 the needs identified under clause (i);

11 (iii) a description of the role of each  
12 of the partners of the eligible entity in pro-  
13 viding services described in subsection (c)  
14 to the students and families of the stu-  
15 dents;

16 (iv) a strategy for linking students  
17 and the parents and families of the stu-  
18 dents with the opportunities for services  
19 available through the eligible entity; and

20 (v) a strategy for evaluating the im-  
21 pact of services that will be provided to  
22 students and their families through the eli-  
23 gible entity, including—

24 (I) a description of the resources,  
25 supports, and opportunities that will



1 be leveraged from the community to  
2 provide such services;

3 (II) a description of how progress  
4 in increasing student access to phys-  
5 ical activity, nutrition education, and  
6 nutritious food will be measured; and

7 (III) a description of how the im-  
8 pact of increasing student access to  
9 physical activity, nutrition education,  
10 and nutritious food will be measured.

11 (c) USES OF FUNDS.—An eligible entity receiving a  
12 grant under this section shall use the funds to carry out  
13 1 or more of the following services:

14 (1) Increasing, during the regular school cal-  
15 endar, student access to physical activity, including  
16 through short bouts of physical activity in the class-  
17 room and structured physical activities that are  
18 taught and led by trained adults during recess.

19 (2) Increasing, during the regular school cal-  
20 endar, student access to nutrition education, includ-  
21 ing nutrition education provided through the com-  
22 munity by local nutritionists, or other health care  
23 providers.

24 (3) Increasing, during the regular school cal-  
25 endar, student access to nutritious foods, including

1 through food demonstrations with local chefs and  
2 restaurants.

3 (d) MATCHING REQUIREMENT.—To be eligible to re-  
4 ceive a grant under this section, an eligible entity shall  
5 agree to provide non-Federal contributions in an amount  
6 equal to not less than 50 percent of the amount of Federal  
7 funds provided under a grant under this section.

8 (e) DURATION.—A grant under this section shall be  
9 awarded for a period of not more than 3 years.

10 (f) SUPPLEMENT, NOT SUPPLANT.—Funds made  
11 available under this section shall be used to supplement,  
12 and not supplant, any other Federal, State, or local funds  
13 that would otherwise be available to carry out the services  
14 assisted under this section.

15 (g) REPORTING.—Each eligible entity that receives a  
16 grant under this section shall, on an annual basis during  
17 each year of the grant period, report to the Secretary on—

18 (1) the number and type of, and the roles  
19 played by, partners of the eligible entity involved in  
20 the development and implementation of the entity's  
21 community-involvement plan described in subsection

22 (b)(2);

23 (2) the services coordinated or provided under  
24 the community-involvement plan; and

1           (3) a description of the degree to which the eli-  
2           gible entity has made progress in increasing student  
3           access to physical activity, nutrition education, and  
4           nutritious foods as a result of the services provided  
5           under the community-development plan.

6           (h) DEFINITIONS.—For purposes of this section:

7           (1) CHILD-AND-YOUTH-SERVING ORGANIZA-  
8           TION.—The term “child-and-youth-serving organiza-  
9           tion” means a public or private organization with a  
10          primary focus on providing to children and youth,  
11          youth development programs, or health, fitness, edu-  
12          cation, child welfare, psychological, parenting, or  
13          recreation services.

14          (2) COMMUNITY-BASED ORGANIZATION.—The  
15          term “community-based organization” means a pub-  
16          lic or private nonprofit organization of demonstrated  
17          effectiveness that—

18                 (A) is representative of a community or  
19                 significant segments of a community; and

20                 (B) provides nutrition, nutrition education,  
21                 or physical fitness services, or other related  
22                 services to individuals in the community.

23          (3) DURING THE REGULAR SCHOOL CAL-  
24          ENDAR.—The phrase “during the regular school cal-

1 endar” refers to a period during the regular school  
2 calendar during school hours.

3 (4) ELIGIBLE ENTITY.—

4 (A) IN GENERAL.—The term “eligible enti-  
5 ty” means a local educational agency partici-  
6 pating in the lunch program under the Richard  
7 B. Russell National and the breakfast program  
8 under section 4 of the Child Nutrition Act of  
9 1966 (42 U.S.C. 1771 et seq.) that has estab-  
10 lished a partnership with 1 or more entities de-  
11 scribed in subparagraph (B).

12 (B) ENTITIES.—The entities described in  
13 this subparagraph are as follows:

14 (i) A community-based organization.

15 (ii) A child-and-youth-serving organi-  
16 zation or agency.

17 (iii) An institution of higher edu-  
18 cation.

19 (iv) A hospital or health care provider.

20 (v) Other business or community part-  
21 ner.

22 (5) INSTITUTION OF HIGHER EDUCATION.—The  
23 term “institution of higher education” has the  
24 meaning given the term in section 102 of the Higher  
25 Education Act of 1965 (20 U.S.C. 1002).

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 such sums as may be necessary for each of fiscal years  
4 2011 through 2015.

5 **TITLE III—IMPROVING THE MAN-**  
6 **AGEMENT AND INTEGRITY OF**  
7 **CHILD NUTRITION PRO-**  
8 **GRAMS**

9 **Subtitle A—National School Lunch**  
10 **Program**

11 **SEC. 301. INDIRECT COSTS.**

12 (a) GUIDANCE ON INDIRECT COSTS RULES.—Not  
13 later than 180 days after the date of enactment of this  
14 Act, the Secretary shall issue guidance to school food au-  
15 thorities participating in the school lunch program estab-  
16 lished under the Richard B. Russell National School  
17 Lunch Act (42 U.S.C. 1751 et seq.) and the school break-  
18 fast program established by section 4 of the Child Nutri-  
19 tion Act of 1966 (42 U.S.C. 1773) covering program rules  
20 pertaining to allowable costs that may be charged to the  
21 nonprofit school food service accounts, including indirect  
22 costs and direct costs.

23 (b) INDIRECT AND DIRECT COSTS STUDY.—The Sec-  
24 retary shall—

1           (1) conduct a study to assess the extent to  
2           which school food authorities participating in the  
3           school lunch program established under the Richard  
4           B. Russell National School Lunch Act (42 U.S.C.  
5           1751 et seq.) and the school breakfast program es-  
6           tablished by section 4 of the Child Nutrition Act of  
7           1966 (42 U.S.C. 1773) pay indirect and direct costs,  
8           including assessments of—

9                   (A) the allocation of indirect and direct  
10                  costs to such school food authorities;

11                  (B) the methodologies used to establish in-  
12                  direct cost rates for such school food authori-  
13                  ties);

14                  (C) the types and amounts of indirect costs  
15                  charged and recovered by school districts;

16                  (D) the impact of indirect costs charged to  
17                  the nonprofit school food service account of  
18                  such school food authorities;

19                  (E) whether the indirect and direct costs  
20                  charged or recovered are consistent with re-  
21                  quirements for the allocation of costs and  
22                  school food service operations; and

23                  (F) the types and amounts of indirect and  
24                  direct costs that could be charged or recovered  
25                  under requirements for the allocation of costs

1           and school food service operations but are not  
2           charged or recovered; and

3           (2) after completing the study required under  
4           paragraph (1), issue additional guidance relating to  
5           the types of costs that are reasonable and necessary  
6           to provide meals under the Richard B. Russell Na-  
7           tional School Lunch Act (42 U.S.C. 1751 et seq.)  
8           and the Child Nutrition Act of 1966 (42 U.S.C.  
9           1771 et seq.).

10          (c) REGULATIONS.—After conducting the study  
11         under subsection (b)(1) and identifying costs under sub-  
12         section (b)(2), the Secretary may promulgate regulations  
13         to address—

14                 (1) any identified deficiencies in the allocation  
15                 of indirect and direct costs charged to school food  
16                 authorities participating in the lunch program under  
17                 the Richard B. Russell National School Lunch Act  
18                 (42 U.S.C. 1751 et seq.) and the breakfast program  
19                 under the Child Nutrition Act of 1966 (42 U.S.C.  
20                 1773); and

21                 (2) the authority of school food authorities to  
22                 reimburse only those costs identified by the Sec-  
23                 retary as reasonable and necessary under subsection  
24                 (b)(2).

1 (d) REPORT.—Not later than October 1, 2013, the  
2 Secretary shall submit to the Committee on Education and  
3 Labor of the House of Representatives and the Committee  
4 on Agriculture, Nutrition, and Forestry of the Senate a  
5 report that describes the results of the study under sub-  
6 section (b).

7 (e) FUNDING.—

8 (1) IN GENERAL.—On October 1, 2010, out of  
9 any funds in the Treasury not otherwise appro-  
10 priated, the Secretary of the Treasury shall transfer  
11 to the Secretary to carry out this section  
12 \$2,000,000, to remain available until expended.

13 (2) RECEIPT AND ACCEPTANCE.—The Sec-  
14 retary shall be entitled to receive, shall accept, and  
15 shall use to carry out this section the funds trans-  
16 ferred under paragraph (1), without further appro-  
17 priation.

18 (f) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall take effect on July 1, 2011.

20 **SEC. 302. REVENUE FROM NONPROGRAM FOODS SOLD IN**  
21 **SCHOOLS.**

22 (a) AMENDMENT.—Section 12 of the Richard B.  
23 Russell National School Lunch Act (42 U.S.C. 1760) (as  
24 amended by section 242) is amended by adding at the end  
25 the following:



1 “(q) NONPROGRAM FOOD SALES.—

2 “(1) DEFINITION OF NONPROGRAM FOOD.—In  
3 this subsection:

4 “(A) IN GENERAL.—The term nonprogram  
5 food means food that is—

6 “(i) sold in a participating school  
7 other than a reimbursable meal provided  
8 under this Act or the Child Nutrition Act  
9 of 1966 (42 U.S.C. 1771 et seq.); and

10 “(ii) purchased using funds from the  
11 nonprofit school food service account of the  
12 school food authority of the school.

13 “(B) INCLUSION.—The term nonprogram  
14 food includes food that is sold in competition  
15 with a program established under this Act or  
16 the Child Nutrition Act of 1966 (42 U.S.C.  
17 1771 et seq.).

18 “(2) REVENUES.—

19 “(A) IN GENERAL.—The proportion of  
20 total school food service revenue provided by the  
21 sale of nonprogram foods to the total revenue  
22 of the school food service account shall be equal  
23 to or greater than the proportion of total food  
24 costs associated with obtaining nonprogram  
25 foods to the total costs associated with obtain-

1           ing program and nonprogram foods from the  
2           account.

3                   “(B) ACCRUAL.—All revenue from the sale  
4           of nonprogram foods shall accrue to the non-  
5           profit school food service account of a partici-  
6           pating school food authority.

7                   “(3) REPORT.—Not later than 4 years after en-  
8           actment of this subsection, the Secretary shall sub-  
9           mit to the Committee on Education and Labor of  
10          the House of Representatives and the Committee on  
11          Agriculture, Nutrition, and Forestry of the Senate a  
12          report describing the impact of implementation of  
13          this subsection on financial accounting processes and  
14          procedures, the nonprofit school food service ac-  
15          count, and school food service operations.”.

16          (b) EFFECTIVE DATE.—The amendment made by  
17          subsection (a) shall take effect on July 1, 2011.

18   **SEC. 303. REPORTING AND NOTIFICATION OF SCHOOL PER-**  
19                   **FORMANCE.**

20          Section 22 of the Richard B. Russell National School  
21          Lunch Act (42 U.S.C. 1769c) is amended—

22                   (1) by striking subsection (a) and inserting the  
23          following:

24                   “(a) UNIFIED ACCOUNTABILITY SYSTEM.—

1           “(1) IN GENERAL.—There shall be a unified  
2           system prescribed and administered by the Secretary  
3           to ensure that local food service authorities partici-  
4           pating in the school lunch program established  
5           under this Act and the school breakfast program es-  
6           tablished by section 4 of the Child Nutrition Act of  
7           1966 (42 U.S.C. 1773) comply with those Acts, in-  
8           cluding compliance with—

9                   “(A) the nutritional requirements of sec-  
10                   tion 9(f) of this Act for school lunches; and

11                   “(B) as applicable, the nutritional require-  
12                   ments for school breakfasts under section  
13                   4(e)(1) of the Child Nutrition Act of 1966 (42  
14                   U.S.C. 1773(e)(1)).”; and

15           (2) in subsection (b)(1), by striking subpara-  
16           graphs (A) and (B) and inserting the following:

17                   “(A) require that local food service au-  
18                   thorities comply with the nutritional require-  
19                   ments described in subparagraphs (A) and (B)  
20                   of paragraph (1);

21                   “(B) to the maximum extent practicable,  
22                   ensure compliance through reasonable audits  
23                   and supervisory assistance reviews;

24                   “(C) in conducting audits and reviews for  
25                   the purpose of determining compliance with this

1 Act, including the nutritional requirements of  
2 section 9(f)—

3 “(i) conduct audits and reviews dur-  
4 ing a 3-year cycle or other period pre-  
5 scribed by the Secretary;

6 “(ii) select schools for review in each  
7 local educational agency using criteria es-  
8 tablished by the Secretary;

9 “(iii) report the final results of the re-  
10 views to the public in the State in an ac-  
11 cessible, easily understood manner in ac-  
12 cordance with guidelines promulgated by  
13 the Secretary; and

14 “(iv) submit to the Secretary each  
15 year a report containing the results of the  
16 reviews in accordance with procedures de-  
17 veloped by the Secretary; and

18 “(D) when any local food service authority  
19 is reviewed under this section, ensure that the  
20 final results of the review by the State edu-  
21 cational agency are posted and otherwise made  
22 available to the public on request in an acces-  
23 sible, easily understood manner in accordance  
24 with guidelines promulgated by the Secretary.”.

1 **SEC. 304. COMPLIANCE AND ACCOUNTABILITY STUDY.**

2 (a) IN GENERAL.—The Secretary of Agriculture shall  
3 conduct a study to—

4 (1) assess the effectiveness and efficiency of ad-  
5 ministrative review systems to ensure—

6 (A) each local educational agency partici-  
7 pating in the school lunch program established  
8 under the Richard B. Russell National School  
9 Lunch Act (42 U.S.C. 1751 et seq.) complies  
10 with the provisions of such Act, including the  
11 provisions with respect to nutrition, eligibility,  
12 meal counts, and claims for reimbursement;

13 (B) each local educational agency partici-  
14 pating in the school breakfast program estab-  
15 lished under section 4 of the Child Nutrition  
16 Act of 1966 (42 U.S.C. 1773) complies with the  
17 provisions of such Act, including the provisions  
18 with respect to nutrition, eligibility, meal  
19 counts, and claims for reimbursement; and

20 (C) each local educational agency described  
21 in subparagraphs (A) and (B) is accountable  
22 for the compliance described in such subpara-  
23 graphs;

24 (2) design and test alternative processes and  
25 procedures that may improve the effectiveness and  
26 efficiency of the administrative review systems de-

1 scribed in paragraph (1), and determine the optimal  
2 frequency for carrying out reviews under such sys-  
3 tems; and

4 (3) identify any alternative processes and proce-  
5 dures for establishing a more effective and efficient  
6 administrative review system that—

7 (A) reflect the results of tests of alter-  
8 native processes and procedures conducted pur-  
9 suant to paragraph (2); and

10 (B) consider the practicality of imple-  
11 menting such alternative processes and proce-  
12 dures, including the cost and burden of imple-  
13 mentation that would be imposed on school food  
14 authorities, local educational agencies, and  
15 State educational agencies.

16 (b) REPORT.—Not later than 3 years after the date  
17 of the enactment of this Act, the Secretary of Agriculture  
18 shall submit to the Committee on Education and Labor  
19 of the House of Representatives and the Committee on  
20 Agriculture, Nutrition, and Forestry of the Senate, a re-  
21 port that describes the results and recommendations of the  
22 study conducted pursuant to subsection (a).

23 (c) REGULATIONS.—The Secretary of Agriculture  
24 may prescribe regulations as may be necessary to imple-  
25 ment the processes or procedures identified pursuant to

1 subsection (a)(3) for establishing an effective and efficient  
2 administrative review system.

3 (d) FUNDING.—

4 (1) IN GENERAL.—Upon the date of the enact-  
5 ment of this Act, out of any funds in the Treasury  
6 not otherwise appropriated, the Secretary of the  
7 Treasury shall transfer to the Secretary of Agri-  
8 culture \$3,000,000 to carry out this section, to re-  
9 main available until expended.

10 (2) RECEIPT AND ACCEPTANCE.—The Sec-  
11 retary of Agriculture shall be entitled to receive,  
12 shall accept, and shall use to carry out this section  
13 the funds transferred under paragraph (1), without  
14 further appropriation.

15 **SEC. 305. APPLICABILITY OF FOOD SAFETY PROGRAM ON**  
16 **ENTIRE SCHOOL CAMPUS.**

17 Section 9(h) of the Richard B. Russell National  
18 School Lunch Act (42 U.S.C. 1758(h)) is amended—

19 (1) in paragraph (1), by amending subpara-  
20 graph (B) to read as follows:

21 “(B) post a report on the most recent in-  
22 spection conducted under subparagraph (A)  
23 in—

24 “(i) a publicly visible location in the  
25 school foodservice area; and

1           “(ii) a publicly accessible location on  
2           the Internet website of the local edu-  
3           cational agency.”;

4           (2) in paragraph (5)—

5           (A) by striking “Each school authority”  
6           and inserting the following:

7           “(A) IN GENERAL.—Each school food au-  
8           thority”; and

9           (B) by adding at the end the following:

10           “(B) APPLICABILITY.—The requirements  
11           of the school food safety program described in  
12           subparagraph (A) shall apply to any facility or  
13           part of a facility where food is stored, prepared,  
14           and served for the purposes of the school nutri-  
15           tion programs under this Act and the school  
16           breakfast program under section 4 of the Child  
17           Nutrition Act of 1966 (42 U.S.C. 1773).”;

18           (3) by adding at the end the following:

19           “(6) TRAINING REQUIREMENT.—

20           “(A) IN GENERAL.—Each school food au-  
21           thority participating in a program under this  
22           Act shall ensure that all school food service  
23           workers employed by the authority shall—

24           “(i) have access to appropriate train-  
25           ing under a qualified training program, as



1 described in subparagraph (B), on safe  
2 handling, preparation, and delivery of food  
3 to children participating in the school meal  
4 programs; and

5 “(ii) comply with a performance  
6 standard for safe food handling, deter-  
7 mined by the Secretary that is consistent  
8 with nationally recognized standards appli-  
9 cable to the preparation and delivery of  
10 meals served to children in a school envi-  
11 ronment.

12 “(B) QUALIFIED TRAINING PROGRAM.—

13 School foodservice workers shall have access to  
14 comprehensive food safety training programs  
15 that, at a minimum, shall—

16 “(i) be based on a process approach to  
17 Hazard Analysis Critical Control Point  
18 (HACCP) principles established by the  
19 Secretary; and

20 “(ii) include training related to—

21 “(I) personal hygiene and patho-  
22 gens, including characteristics of ill-  
23 ness (including foodborne illnesses);

1                   “(II) safe food service operations,  
2                   including kitchen sanitation and  
3                   equipment maintenance;

4                   “(III) safe food handling, prepa-  
5                   ration, and delivery including storage,  
6                   thawing, prepping, cooking, cooling  
7                   and reheating practices for all forms  
8                   of food, including fresh, frozen, and  
9                   canned food; and

10                   “(IV) other such topics deter-  
11                   mined by the Secretary.”.

12 **SEC. 306. ENSURING SAFETY OF SCHOOL MEALS.**

13           The Richard B. Russell National School Lunch Act  
14 is amended by after section 28 (42 U.S.C. 1769i) the fol-  
15 lowing:

16 **“SEC. 29. ENSURING SAFETY OF SCHOOL MEALS.**

17           “(a) FOOD AND NUTRITION SERVICE.—Not later  
18 than 1 year after the date of enactment of the Improving  
19 Nutrition for America’s Children Act, the Secretary, act-  
20 ing through the Administrator of the Food and Nutrition  
21 Service, shall—

22                   “(1) in consultation with the Administrator of  
23                   the Agricultural Marketing Service and the Adminis-  
24                   trator of the Farm Service Agency, develop guide-  
25                   lines to determine the circumstances under which it

1 is appropriate for the Secretary to institute an ad-  
2 ministrative hold on suspect foods purchased by the  
3 Secretary that are being used in school meal pro-  
4 grams under this Act and the Child Nutrition Act  
5 of 1966 (42 U.S.C. 1771 et seq.);

6 “(2) work with States to explore ways for the  
7 States to increase the timeliness of notification of  
8 food recalls to schools and school food authorities;

9 “(3) improve the timeliness and completeness of  
10 direct communication between the Food and Nutri-  
11 tion Service and States about holds and recalls, such  
12 as through the commodity alert system of the Food  
13 and Nutrition Service; and

14 “(4) establish a timeframe to improve the com-  
15 modity hold and recall procedures of the Department  
16 of Agriculture to address the role of processors and  
17 determine the involvement of distributors with proc-  
18 essed products that may contain recalled ingredients,  
19 to facilitate the provision of more timely and com-  
20 plete information to schools.

21 “(b) FOOD SAFETY AND INSPECTION SERVICE.—Not  
22 later than 1 year after the date of enactment of the Im-  
23 proving Nutrition for America’s Children Act the Sec-  
24 retary, acting through the Administrator of the Food  
25 Safety and Inspection Service, shall revise the procedures

1 of the Food Safety and Inspection Service to ensure that  
2 schools are included in effectiveness checks.”.

3 **SEC. 307. INFORMATION ON COMMODITY FOOD SUPPLIERS.**

4 Section 6 of the Richard B. Russell National School  
5 Lunch Act (42 U.S.C. 1755) is amended by adding at the  
6 end the following:

7 “(f) COMMODITY FOOD VENDORS.—The Secretary  
8 shall make available to State agencies, school food authori-  
9 ties, and the public on the website maintained by the Sec-  
10 retary—

11 “(1) a current listing of vendors that supply  
12 commodity foods for use in the school nutrition pro-  
13 grams under this Act and the Child Nutrition Act  
14 of 1966 (42 U.S.C. 1771 et seq.);

15 “(2) information on the commodity food sup-  
16 plied by each such vendor; and

17 “(3) any other information related to each such  
18 vendor, as determined by the Secretary.”.

19 **SEC. 308. PRIVACY PROTECTION.**

20 Section 9(d)(1) of the Richard B. Russell National  
21 School Lunch Act (42 U.S.C. 1758(d)(1)) is amended—

22 (1) in the first sentence, by inserting “the last  
23 4 digits of” before “the social security account num-  
24 ber”; and

25 (2) by striking the second sentence.

1 **SEC. 309. FINES FOR VIOLATING PROGRAM REQUIRE-**  
2 **MENTS.**

3 Section 22 of the Richard B. Russell National School  
4 Lunch Act (42 U.S.C. 1769e) is amended by adding at  
5 the end the following:

6 “(e) FINES FOR VIOLATING PROGRAM REQUIRE-  
7 MENTS.—

8 “(1) SCHOOL FOOD AUTHORITIES AND  
9 SCHOOLS.—

10 “(A) IN GENERAL.—The Secretary shall  
11 establish criteria by which the Secretary or a  
12 State agency may impose a fine against any  
13 school food authority or school administering a  
14 program authorized under this Act or the Child  
15 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)  
16 if the Secretary or the State agency determines  
17 that the school food authority or school has—

18 “(i) failed to correct severe mis-  
19 management of the program;

20 “(ii) disregarded a program require-  
21 ment of which the school food authority or  
22 school had been informed; or

23 “(iii) failed to correct repeated viola-  
24 tions of program requirements.

25 “(B) LIMITS.—

1           “(i) IN GENERAL.—In calculating the  
2 fine for a school food authority or school,  
3 the Secretary shall base the amount of the  
4 fine on the reimbursement earned by  
5 school food authority or school for the pro-  
6 gram in which the violation occurred.

7           “(ii) AMOUNT.—The amount under  
8 clause (i) shall not exceed—

9                   “(I) 1 percent of the amount of  
10 meal reimbursements earned for the  
11 fiscal year for the first finding of 1 or  
12 more program violations under sub-  
13 paragraph (A);

14                   “(II) 5 percent of the amount of  
15 meal reimbursements earned for the  
16 fiscal year for the second finding of 1  
17 or more program violations under sub-  
18 paragraph (A); and

19                   “(III) 10 percent of the amount  
20 of meal reimbursements earned for  
21 the fiscal year for the third or subse-  
22 quent finding of 1 or more program  
23 violations under subparagraph (A).

24           “(2) STATE AGENCIES.—

1           “(A) IN GENERAL.—The Secretary shall  
2           establish criteria by which the Secretary may  
3           impose a fine against any State agency admin-  
4           istering a program authorized under this Act or  
5           the Child Nutrition Act of 1966 (42 U.S.C.  
6           1771 et seq.) if the Secretary determines that  
7           the State agency has—

8                   “(i) failed to correct severe mis-  
9                   management of the program;

10                   “(ii) disregarded a program require-  
11                   ment of which the State had been in-  
12                   formed; or

13                   “(iii) failed to correct repeated viola-  
14                   tions of program requirements.

15           “(B) LIMITS.—In the case of a State agen-  
16           cy, the amount of a fine under subparagraph  
17           (A) shall not exceed—

18                   “(i) 1 percent of funds made available  
19                   under section 7(a) of the Child Nutrition  
20                   Act of 1966 (42 U.S.C. 1776(a)) for State  
21                   administrative expenses during a fiscal  
22                   year for the first finding of 1 or more pro-  
23                   gram violations under subparagraph (A);

24                   “(ii) 5 percent of funds made avail-  
25                   able under section 7(a) of the Child Nutri-

1           tion Act of 1966 (42 U.S.C. 1776(a)) for  
2           State administrative expenses during a fis-  
3           cal year for the second finding of 1 or  
4           more program violations under subpara-  
5           graph (A); and

6           “(iii) 10 percent of funds made avail-  
7           able under section 7(a) of the Child Nutri-  
8           tion Act of 1966 (42 U.S.C. 1776(a)) for  
9           State administrative expenses during a fis-  
10          cal year for the third or subsequent finding  
11          of 1 or more program violations under sub-  
12          paragraph (A).

13          “(3) SOURCE OF FUNDING.—Funds to pay a  
14          fine imposed under paragraph (1) or (2) shall be de-  
15          rived from non-Federal sources.”.

16 **SEC. 310. INDEPENDENT REVIEW OF APPLICATIONS.**

17          Section 22(b) of the Richard B. Russell National  
18          School Lunch Act (42 U.S.C. 1769c(b)) is amended by  
19          adding at the end the following:

20          “(6) ELIGIBILITY DETERMINATION REVIEW FOR  
21          SELECTED LOCAL EDUCATIONAL AGENCIES.—

22                  “(A) IN GENERAL.—A local educational  
23                  agency that has demonstrated a high level of, or  
24                  a high risk for, administrative error associated  
25                  with certification, verification, and other admin-



1            administrative processes, as determined by the Sec-  
2            retary, shall ensure that the initial eligibility de-  
3            termination for each application is reviewed for  
4            accuracy prior to notifying a household of the  
5            eligibility or ineligibility of the household for  
6            free or reduced price meals.

7            “(B) TIMELINESS.—The review of initial  
8            eligibility determinations—

9                    “(i) shall be completed in a timely  
10                   manner; and

11                   “(ii) shall not result in the delay of an  
12                   eligibility determination for more than 10  
13                   operating days after the date on which the  
14                   application is submitted.

15            “(C) ACCEPTABLE TYPES OF REVIEW.—  
16            Subject to standards established by the Sec-  
17            retary, the system used to review eligibility de-  
18            terminations for accuracy shall be conducted by  
19            an individual or entity that did not make the  
20            initial eligibility determination.

21            “(D) NOTIFICATION OF HOUSEHOLD.—  
22            Once the review of an eligibility determination  
23            has been completed under this paragraph, the  
24            household shall be notified immediately of the

1 determination of eligibility or ineligibility for  
2 free or reduced price meals.

3 “(E) REPORTING.—

4 “(i) LOCAL EDUCATIONAL AGEN-  
5 CIES.—In accordance with procedures es-  
6 tablished by the Secretary, each local edu-  
7 cational agency required to review initial  
8 eligibility determinations shall submit to  
9 the relevant State agency a report describ-  
10 ing the results of the reviews, including—

11 “(I) the number and percentage  
12 of reviewed applications for which the  
13 eligibility determination was changed  
14 and the type of change made; and

15 “(II) such other information as  
16 the Secretary determines to be nec-  
17 essary.

18 “(ii) STATE AGENCIES.—In accord-  
19 ance with procedures established by the  
20 Secretary, each State agency shall submit  
21 to the Secretary a report describing the re-  
22 sults of the reviews of initial eligibility de-  
23 terminations, including—

24 “(I) the number and percentage  
25 of reviewed applications for which the

1 eligibility determination was changed  
2 and the type of change made; and

3 “(II) such other information as  
4 the Secretary determines to be nec-  
5 essary.

6 “(iii) TRANSPARENCY.—The Sec-  
7 retary shall publish annually the results of  
8 the reviews of initial eligibility determina-  
9 tions by State, number, percentage, and  
10 type of error.”.

11 **SEC. 311. PROGRAM EVALUATION.**

12 Section 28 of the Richard B. Russell National School  
13 Lunch Act (42 U.S.C. 1769i) is amended by adding at  
14 the end the following:

15 “(c) COOPERATION WITH PROGRAM RESEARCH AND  
16 EVALUATION.—States, State educational agencies, local  
17 educational agencies, schools, institutions, facilities, and  
18 contractors participating in programs authorized under  
19 this Act and the Child Nutrition Act of 1966 (42 U.S.C.  
20 1771 et seq.) shall cooperate with officials and contractors  
21 acting on behalf of the Secretary, in the conduct of evalua-  
22 tions and studies under those Acts.”.

1     **Subtitle B—Summer Food Service**  
2                     **Program**

3     **SEC. 321. SUMMER FOOD SERVICE PROGRAM PERMANENT**  
4                     **OPERATING AGREEMENTS.**

5             Section 13(b) of the Richard B. Russell National  
6     School Lunch Act (42 U.S.C. 1761(b)) is amended by  
7     striking paragraph (3) and inserting the following:

8                     “(3) PERMANENT OPERATING AGREEMENTS  
9             AND BUDGET FOR ADMINISTRATIVE COSTS.—

10                     “(A) PERMANENT OPERATING AGREE-  
11             MENTS.—

12                     “(i) IN GENERAL.—Subject to clauses  
13             (ii) and (iii), to participate in the program,  
14             a service institution that meets the condi-  
15             tions of eligibility described in this section  
16             and in regulations promulgated by the Sec-  
17             retary, shall be required to enter into a  
18             permanent agreement with the applicable  
19             State agency.

20                     “(ii) AMENDMENTS.—A permanent  
21             agreement described in clause (i) may be  
22             amended as necessary to ensure that the  
23             service institution is in compliance with all  
24             requirements established in this section or  
25             by the Secretary.

1           “(iii) TERMINATION.—A permanent  
2 agreement described in clause (i)—

3           “(I) may be terminated for con-  
4 venience by the service institution and  
5 State agency that is a party to the  
6 permanent agreement; and

7           “(II) shall be terminated—

8           “(aa) for cause by the appli-  
9 cable State agency in accordance  
10 with subsection (q) and with reg-  
11 ulations promulgated by the Sec-  
12 retary; or

13           “(bb) on termination of par-  
14 ticipation of the service institu-  
15 tion in the program.

16           “(B) BUDGET FOR ADMINISTRATIVE  
17 COSTS.—

18           “(i) IN GENERAL.—When applying for  
19 participation in the program, and not less  
20 frequently than annually thereafter, each  
21 service institution shall submit a complete  
22 budget for administrative costs related to  
23 the program, which shall be subject to ap-  
24 proval by the State.

1                   “(ii) AMOUNT.—Payment to service  
2                   institutions for administrative costs shall  
3                   equal the levels determined by the Sec-  
4                   retary pursuant to the study required in  
5                   paragraph (4).”.

6 **SEC. 322. SUMMER FOOD SERVICE PROGRAM DISQUALI-**  
7                   **FICATION.**

8                   Section 13 of the Richard B. Russell National School  
9 Lunch Act (42 U.S.C. 1761) is amended—

10                   (1) by redesignating subsection (q) as sub-  
11                   section (r); and

12                   (2) by inserting after subsection (p) the fol-  
13                   lowing:

14                   “(q) TERMINATION AND DISQUALIFICATION OF PAR-  
15                   TICIPATING ORGANIZATIONS.—

16                   “(1) IN GENERAL.—Each State agency shall  
17                   follow the procedures established by the Secretary  
18                   for the termination of participation of institutions  
19                   under the program.

20                   “(2) FAIR HEARING.—The procedures described  
21                   in paragraph (1) shall include provision for a fair  
22                   hearing and prompt determination for any service  
23                   institution aggrieved by any action of the State  
24                   agency that affects—

1           “(A) the participation of the service insti-  
2           tution in the program; or

3           “(B) the claim of the service institution for  
4           reimbursement under this section.

5           “(3) LIST OF DISQUALIFIED INSTITUTIONS AND  
6           INDIVIDUALS.—

7           “(A) IN GENERAL.—The Secretary shall  
8           maintain a list of service institutions and indi-  
9           viduals that have been terminated or otherwise  
10          disqualified from participation in the program  
11          under the procedures established pursuant to  
12          paragraph (1).

13          “(B) AVAILABILITY.—The Secretary shall  
14          make the list available to States for use in ap-  
15          proving or renewing applications by service in-  
16          stitutions for participation in the program.”.

17          **Subtitle C—Child and Adult Care**  
18                                   **Food Program**

19          **SEC. 331. RENEWAL OF APPLICATION MATERIALS AND PER-**  
20                                   **MANENT OPERATING AGREEMENTS.**

21          (a) PERMANENT OPERATING AGREEMENTS.—Sec-  
22          tion 17(d)(1) of the Richard B. Russell National School  
23          Lunch Act (42 U.S.C. 1766(d)(1)) is amended by adding  
24          at the end the following:

1           “(E) PERMANENT OPERATING AGREE-  
2           MENTS.—

3           “(i) IN GENERAL.—Subject to clauses  
4           (ii) and (iii), to participate in the child and  
5           adult care food program, an institution  
6           that meets the conditions of eligibility de-  
7           scribed in this subsection shall be required  
8           to enter into a permanent agreement with  
9           the applicable State agency.

10          “(ii) AMENDMENTS.—A permanent  
11          agreement described in clause (i) may be  
12          amended as necessary to ensure that the  
13          institution is in compliance with all re-  
14          quirements established in this section or by  
15          the Secretary.

16          “(iii) TERMINATION.—A permanent  
17          agreement described in clause (i)—

18                 “(I) may be terminated for con-  
19                 venience by the institution or State  
20                 agency that is a party to the perma-  
21                 nent agreement; and

22                 “(II) shall be terminated—

23                         “(aa) for cause by the appli-  
24                         cable State agency in accordance  
25                         with paragraph (5); or



1                   “(bb) on termination of par-  
2                   ticipation of the institution in the  
3                   child and adult care food pro-  
4                   gram.”.

5           (b) APPLICATIONS AND REVIEWS.—Section 17(d) of  
6 the Richard B. Russell National School Lunch Act (42  
7 U.S.C. 1766(d)) is amended by striking paragraph (2) and  
8 inserting the following:

9                   “(2) PROGRAM APPLICATIONS.—

10                   “(A) IN GENERAL.—The Secretary shall  
11                   develop a policy under which each institution  
12                   providing child care that participates in the  
13                   program under this section shall—

14                   “(i) submit to the State agency an ini-  
15                   tial application to participate in the pro-  
16                   gram that meets all requirements estab-  
17                   lished by the Secretary by regulation;

18                   “(ii) annually confirm to the State  
19                   agency that the institution, and any facili-  
20                   ties of the institution in which the program  
21                   is operated by a sponsoring organization, is  
22                   in compliance with subsection (a)(5); and

23                   “(iii) annually submit to the State  
24                   agency any additional information nec-  
25                   essary to confirm that the institution is in

1 compliance with all other requirements to  
2 participate in the program, as established  
3 in this Act and by the Secretary by regula-  
4 tion.

5 “(B) REQUIRED REVIEWS OF SPONSORED  
6 FACILITIES.—

7 “(i) IN GENERAL.—The Secretary  
8 shall develop a policy under which each  
9 sponsoring organization participating in  
10 the program under this section shall con-  
11 duct—

12 “(I) periodic unannounced site  
13 visits at not less than 3-year intervals  
14 to sponsored child and adult care cen-  
15 ters and family or group day care  
16 homes to identify and prevent man-  
17 agement deficiencies and fraud and  
18 abuse under the program; and

19 “(II) at least 1 scheduled site  
20 visit each year to sponsored child and  
21 adult care centers and family or group  
22 day care homes to identify and pre-  
23 vent management deficiencies and  
24 fraud and abuse under the program  
25 and to improve program operations.

1           “(ii) VARIED TIMING.—Sponsoring or-  
2           ganizations shall vary the timing of unan-  
3           nounced reviews under clause (i)(I) in a  
4           manner that makes the reviews unpredict-  
5           able to sponsored facilities.

6           “(C) REQUIRED REVIEWS OF INSTITU-  
7           TIONS.—The Secretary shall develop a policy  
8           under which each State agency shall conduct—

9                   “(i) at least 1 scheduled site visit at  
10                  not less than 3-year intervals to each insti-  
11                  tution under the State agency participating  
12                  in the program under this section—

13                           “(I) to identify and prevent man-  
14                           agement deficiencies and fraud and  
15                           abuse under the program; and

16                           “(II) to improve program oper-  
17                           ations; and

18                           “(ii) more frequent reviews of any in-  
19                           stitution that—

20                                   “(I) sponsors a significant share  
21                                   of the facilities participating in the  
22                                   program;

23                                   “(II) conducts activities other  
24                                   than the program authorized under  
25                                   this section;

1           “(III) has serious management  
2           problems, as identified in a prior re-  
3           view, or is at risk of having serious  
4           management problems; or

5           “(IV) meets such other criteria  
6           as are defined by the Secretary.

7           “(D) DETECTION AND DETERRENCE OF  
8           ERRONEOUS PAYMENTS AND FALSE CLAIMS.—

9           “(i) IN GENERAL.—The Secretary  
10          may develop a policy to detect and deter,  
11          and recover erroneous payments to, and  
12          false claims submitted by, institutions,  
13          sponsored child and adult care centers, and  
14          family or group day care homes partici-  
15          pating in the program under this section.

16          “(ii) BLOCK CLAIMS.—

17          “(I) DEFINITION OF BLOCK  
18          CLAIM.—In this clause, the term block  
19          claim has the meaning given the term  
20          in section 226.2 of title 7, Code of  
21          Federal Regulations (or successor reg-  
22          ulations).

23          “(II) PROGRAM EDIT CHECKS.—  
24          The Secretary may not require any  
25          State agency, sponsoring organization,

1 or other institution to perform edit  
2 checks or on-site reviews relating to  
3 the detection of block claims by any  
4 child care facility.

5 “(III) ALLOWANCE.—Notwith-  
6 standing subclause (II), the Secretary  
7 may require any State agency, spon-  
8 soring organization, or other institu-  
9 tion to collect, store, and transmit to  
10 the appropriate entity information  
11 necessary to develop any other policy  
12 developed under clause (i).”

13 (c) AGREEMENTS.—Section 17(j)(1) of the Richard  
14 B. Russell National School Lunch Act (42 U.S.C.  
15 1766(j)(1)) is amended—

- 16 (1) by striking “may” and inserting “shall”;
- 17 (2) by striking “family or group day care” the  
18 first place it appears; and
- 19 (3) by inserting “or sponsored day care cen-  
20 ters” before “participating”.

21 **SEC. 332. STATE LIABILITY FOR PAYMENTS TO AGGRIEVED**  
22 **CHILD CARE INSTITUTIONS.**

23 Section 17(e) of the Richard B. Russell National  
24 School Lunch Act (42 U.S.C. 1766(e)) is amended—

1           (1) in paragraph (3), by striking “(3) If a  
2 State” and inserting the following:

3           “(5) SECRETARIAL HEARING.—If a State”; and

4           (2) by striking “(e) Except as provided” and all  
5 that follows through “(2) A State” and inserting the  
6 following:

7           “(e) HEARINGS.—

8           “(1) IN GENERAL.—Except as provided in para-  
9 graph (4), each State agency shall provide, in ac-  
10 cordance with regulations promulgated by the Sec-  
11 retary, an opportunity for a fair hearing and a  
12 prompt determination to any institution aggrieved  
13 by any action of the State agency that affects—

14           “(A) the participation of the institution in  
15 the program authorized by this section; or

16           “(B) the claim of the institution for reim-  
17 bursement under this section.

18           “(2) REIMBURSEMENT.—In accordance with  
19 paragraph (3), a State agency that fails to meet  
20 timeframes for providing an opportunity for a fair  
21 hearing and a prompt determination to any institu-  
22 tion under paragraph (1) in accordance with regula-  
23 tions promulgated by the Secretary, shall pay, from  
24 non-Federal sources, all valid claims for reimburse-  
25 ment to the institution and the facilities of the insti-

1       tution during the period beginning on the day after  
2       the end of any regulatory deadline for providing the  
3       opportunity and making the determination and end-  
4       ing on the date on which a hearing determination is  
5       made.

6               “(3) NOTICE TO STATE AGENCY.—The Sec-  
7       retary shall provide written notice to a State agency  
8       at least 30 days prior to imposing any liability for  
9       reimbursement under paragraph (2).

10              “(4) FEDERAL AUDIT DETERMINATION.—A  
11       State”.

12 **SEC. 333. APPLICATION SUBMISSION BY SPONSORED FAM-**  
13 **ILY OR GROUP DAY CARE HOMES.**

14       Section 17(f)(3)(A)(iii)(III) of the Richard B. Russell  
15       National School Lunch Act (42 U.S.C.  
16       1766(f)(3)(A)(iii)(III)) is amended by adding at the end  
17       the following:

18                               “(dd) APPLICATION SUBMIS-  
19                               SION.—If a family or group day  
20                               care home elects to be provided  
21                               reimbursement factors described  
22                               in subclause (II), the family or  
23                               group day care home may assist  
24                               in the transmission of necessary  
25                               household income information to

1 the family or group day care  
2 home sponsoring organization in  
3 accordance with the policy de-  
4 scribed in item (ee).

5 “(ee) POLICY.—The Sec-  
6 retary shall develop a policy  
7 under which a sponsored family  
8 or group day care home described  
9 in item (dd) may, under terms  
10 and conditions specified by the  
11 Secretary and with the written  
12 consent of the parents or guard-  
13 ians of a child in a family or  
14 group day care home partici-  
15 pating in the program, assist in  
16 the transmission of the income  
17 information of the family to the  
18 family or group day care home  
19 sponsoring organization.”.

20 **SEC. 334. ADMINISTRATIVE PAYMENTS TO SPONSORING**  
21 **ORGANIZATIONS.**

22 Section 17(f)(3)(B) of the Richard B. Russell Na-  
23 tional School Lunch Act (42 U.S.C. 1766(f)(3)(B)) is  
24 amended to read as follows:



1                   “(B)     ADMINISTRATIVE     REIMBURSE-  
2                   MENTS.—

3                   “(i) IN GENERAL.—In addition to re-  
4                   imbursement provided under subparagraph  
5                   (A), family or group day care home spon-  
6                   soring organizations shall receive reim-  
7                   bursement for the administrative expenses  
8                   in amounts not less than the sum of the  
9                   product obtained by multiplying—

10                   “(I) the number of family and  
11                   group day care homes of the spon-  
12                   soring organization submitting a claim  
13                   for reimbursement in each month; by

14                   “(II) the administrative reim-  
15                   bursement rate prescribed by the Sec-  
16                   retary.

17                   “(ii) ADMINISTRATIVE REIMBURSE-  
18                   MENT RATE.—Effective July 1, 2011, the  
19                   Secretary shall increase the administrative  
20                   reimbursement rate prescribed by the Sec-  
21                   retary under clause (i)(II) by \$5 for each  
22                   family and group day care home of the  
23                   sponsoring organization submitting a claim  
24                   for reimbursement.

1           “(iii) ANNUAL ADJUSTMENT.—The re-  
2           imbursement levels specified in clause (i)  
3           shall be adjusted July 1 of each year to re-  
4           flect changes in the Consumer Price Index  
5           for All Urban Consumers published by the  
6           Bureau of Labor Statistics of the Depart-  
7           ment of Labor for all items for the most  
8           recent 12-month period for which data are  
9           available.

10           “(iv) CARRYOVER FUNDS.—The Sec-  
11           retary shall develop procedures under  
12           which not more than 10 percent of the  
13           amount made available to sponsoring orga-  
14           nizations for a fiscal year under this sec-  
15           tion for administrative expenses for a fiscal  
16           year may remain available to such organi-  
17           zations for obligation or expenditure for  
18           the succeeding fiscal year for such pur-  
19           pose.”.

20 **SEC. 335. CHILD AND ADULT CARE FOOD PROGRAM AUDIT**  
21 **FUNDING.**

22           Section 17(i) of the Richard B. Russell National  
23           School Lunch Act (42 U.S.C. 1766(i)) is amended by  
24           striking paragraph (2) and inserting the following:

25           “(2) FUNDING.—

1           “(A) IN GENERAL.—The Secretary shall  
2           make available for each fiscal year to each  
3           State agency administering the child and adult  
4           care food program, for the purpose of con-  
5           ducting audits of participating institutions, an  
6           amount of up to 1.5 percent of the funds used  
7           by each State in the program under this sec-  
8           tion, during the second preceding fiscal year.

9           “(B) ADDITIONAL FUNDING.—

10           “(i) IN GENERAL.—Subject to clause  
11           (ii), for fiscal year 2016 and each fiscal  
12           year thereafter, the Secretary may increase  
13           the amount of funds made available to any  
14           State agency under subparagraph (A), if  
15           the State agency demonstrates that the  
16           State agency can effectively use the funds  
17           to improve program management under  
18           criteria established by the Secretary.

19           “(ii) LIMITATION.—The total amount  
20           of funds made available to any State agen-  
21           cy under this paragraph shall not exceed 2  
22           percent of the funds used by each State  
23           agency in the program under this section,  
24           during the second preceding fiscal year.”.

1 **SEC. 336. REDUCING PAPERWORK AND IMPROVING PRO-**  
2 **GRAM ADMINISTRATION.**

3 Section 17 of the Richard B. Russell National School  
4 Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding  
5 at the end the following:

6 “(u) REDUCING PAPERWORK AND IMPROVING PRO-  
7 GRAM ADMINISTRATION.—

8 “(1) ESTABLISHMENT.—The Secretary, in con-  
9 junction with States and participating institutions,  
10 shall continue to examine the feasibility of reducing  
11 unnecessary or duplicative paperwork resulting from  
12 regulations and recordkeeping requirements for  
13 State agencies, institutions, family and group day  
14 care homes, and sponsored centers participating in  
15 the program

16 “(2) DUTIES.—At a minimum, the examination  
17 shall include—

18 “(A) review and evaluation of the rec-  
19 ommendations, guidance, and regulatory prior-  
20 ities developed and issued to comply with sec-  
21 tion 119(i) of the Child Nutrition and WIC Re-  
22 authorization Act of 2004 (42 U.S.C. 1766  
23 note; Public Law 108–265);

24 “(B) examination of additional paperwork  
25 and administrative requirements that have been

1 established since February 23, 2007, that could  
2 be reduced or simplified; and

3 “(C) examination of any other aspect re-  
4 garding the administration of the program, as  
5 determined by the Secretary.

6 “(3) REPORT.—Not later than 4 years after the  
7 date of enactment of this Act, the Secretary shall  
8 submit to the Committee on Education and Labor of  
9 the House of Representatives and the Committee on  
10 Agriculture, Nutrition, and Forestry of the Senate a  
11 report that describes the actions that have been  
12 taken to carry out this section, including—

13 “(A) actions taken to address administra-  
14 tive and paperwork burdens identified as a re-  
15 sult of compliance with section 119(i) of the  
16 Child Nutrition and WIC Reauthorization Act  
17 of 2004 (42 U.S.C. 1766 note; Public Law  
18 108–265);

19 “(B) administrative and paperwork bur-  
20 dens identified as a result of compliance with  
21 section 119(i) of that Act for which no regu-  
22 latory action or policy guidance has been taken;

23 “(C) additional steps that the Secretary is  
24 taking or plans to take to address any adminis-  
25 trative and paperwork burdens identified under

1 paragraph (2)(B) and subparagraph (B), in-  
2 cluding—

3 “(i) new or updated regulations, pol-  
4 icy, guidance, or technical assistance; and

5 “(ii) a timeframe for the completion  
6 of those steps; and

7 “(D) recommendations to Congress for  
8 modifications to existing statutory authorities  
9 needed to address identified administrative and  
10 paperwork burdens.”.

11 **Subtitle D—Special Supplemental**  
12 **Nutrition Program for Women,**  
13 **Infants, and Children**

14 **SEC. 351. SHARING OF MATERIALS WITH OTHER PRO-**  
15 **GRAMS.**

16 Section 17(e)(3) of the Child Nutrition Act (42  
17 U.S.C. 1786(e)(3)) is amended by striking subparagraph  
18 (B) and inserting the following:

19 “(B) SHARING OF MATERIALS WITH  
20 OTHER PROGRAMS.—

21 “(i) COMMODITY SUPPLEMENTAL  
22 FOOD PROGRAM.—The Secretary may pro-  
23 vide, in bulk quantity, nutrition education  
24 materials (including materials promoting  
25 breastfeeding) developed with funds made

1 available for the program authorized under  
2 this section to State agencies administering  
3 the commodity supplemental food program  
4 established under section 5 of the Agri-  
5 culture and Consumer Protection Act of  
6 1973 (7 U.S.C. 612c note; Public Law 93-  
7 86) at no cost to that program.

8 “(ii) CHILD AND ADULT CARE FOOD  
9 PROGRAM.—A State agency may allow the  
10 local agencies or clinics under the State  
11 agency to share nutrition educational ma-  
12 terials with institutions participating in the  
13 child and adult care food program estab-  
14 lished under section 17 of the Richard B.  
15 Russell National School Lunch Act (42  
16 U.S.C. 1766) at no cost to that program,  
17 if a written materials sharing agreement  
18 exists between the relevant agencies.”.

19 **SEC. 352. WIC PROGRAM MANAGEMENT.**

20 (a) WIC EVALUATION FUNDS.—Section 17(g)(5) of  
21 the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5))  
22 is amended by striking “\$5,000,000” and inserting  
23 “\$15,000,000”.

1 (b) WIC REBATE PAYMENTS.—Section 17(h)(8) of  
2 the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8))  
3 is amended by adding at the end the following:

4 “(K) REPORTING.—Effective beginning  
5 October 1, 2011, each State agency shall report  
6 rebate payments received from manufacturers  
7 in the month in which the payments are re-  
8 ceived, rather than in the month in which the  
9 payments were earned.”.

10 (c) COST CONTAINMENT MEASURE.—Section 17(h)  
11 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h))  
12 is amended—

13 (1) in paragraph (8)(A)(iv)(III), by striking  
14 “Any” and inserting “Except as provided in para-  
15 graph (9)(B)(i)(II), any”; and

16 (2) by striking paragraph (9) and inserting the  
17 following:

18 “(9) COST CONTAINMENT MEASURE.—

19 “(A) DEFINITION OF COST CONTAINMENT  
20 MEASURE.—In this subsection, the term cost  
21 containment measure means a competitive bid-  
22 ding, rebate, direct distribution, or home deliv-  
23 ery system implemented by a State agency as  
24 described in the approved State plan of oper-  
25 ation and administration of the State agency.



1           “(B) SOLICITATION AND REBATE BILLING  
2           REQUIREMENTS.—Any State agency instituting  
3           a cost containment measure for any authorized  
4           food, including infant formula, shall—

5                   “(i) in the bid solicitation—

6                           “(I) identify the composition of  
7                           State alliances for the purposes of a  
8                           cost containment measure; and

9                           “(II) verify that no additional  
10                          States shall be added to the State alli-  
11                          ance between the date of the bid solie-  
12                          itation and the end of the contract;

13                          “(ii) have a system to ensure that re-  
14                          bate invoices under competitive bidding  
15                          provide a reasonable estimate or an actual  
16                          count of the number of units sold to par-  
17                          ticipants in the program under this sec-  
18                          tion;

19                          “(iii) open and read aloud all bids at  
20                          a public proceeding on the day on which  
21                          the bids are due; and

22                          “(iv) unless otherwise exempted by  
23                          the Secretary, provide a minimum of 30  
24                          days between the publication of the solici-

1           tation and the date on which the bids are  
2           due.

3           “(C) STATE ALLIANCES FOR AUTHORIZED  
4           FOODS OTHER THAN INFANT FORMULA.—Pro-  
5           gram requirements relating to the size of State  
6           alliances under paragraph (8)(A)(iv) shall apply  
7           to cost containment measures established for  
8           any authorized food under this section.”.

9           (d) ELECTRONIC BENEFIT TRANSFER.—Section  
10          17(h) of the Child Nutrition Act of 1966 (42 U.S.C.  
11          1786(h)) is amended by striking paragraph (12) and in-  
12          serting the following:

13                 “(12) ELECTRONIC BENEFIT TRANSFER.—

14                         “(A) DEFINITIONS.—In this paragraph:

15                                 “(i) ELECTRONIC BENEFIT TRANS-  
16                                 FER.—The term electronic benefit transfer  
17                                 means a food delivery system that provides  
18                                 benefits using a card or other access device  
19                                 approved by the Secretary that permits  
20                                 electronic access to program benefits.

21                                 “(ii) PROGRAM.—The term program  
22                                 means the special supplemental nutrition  
23                                 program established by this section.

24                                 “(B) REQUIREMENTS.—

1           “(i) IN GENERAL.—Not later than Oc-  
2           tober 1, 2020, each State agency shall be  
3           required to implement electronic benefit  
4           transfer systems throughout the State, un-  
5           less the Secretary grants an exemption  
6           under subparagraph (C) for a State agency  
7           that is facing unusual barriers to imple-  
8           ment an electronic benefit transfer system.

9           “(ii) RESPONSIBILITY.—The State  
10          agency shall be responsible for the coordi-  
11          nation and management of the electronic  
12          benefit transfer system of the agency.

13          “(C) EXEMPTIONS.—

14          “(i) IN GENERAL.—To be eligible for  
15          an exemption from the statewide imple-  
16          mentation requirements of subparagraph  
17          (B)(i), a State agency shall demonstrate to  
18          the satisfaction of the Secretary 1 or more  
19          of the following:

20                  “(I) There are unusual techno-  
21                  logical barriers to implementation.

22                  “(II) Operational costs are not  
23                  affordable within the nutrition serv-  
24                  ices and administration grant of the  
25                  State agency.

1                   “(III) It is in the best interest of  
2                   the program to grant the exemption.

3                   “(ii) SPECIFIC DATE.—A State agency  
4                   requesting an exemption under clause (i)  
5                   shall specify a date by which the State  
6                   agency anticipates statewide implementa-  
7                   tion described in subparagraph (B)(i).

8                   “(D) REPORTING.—

9                   “(i) IN GENERAL.—Each State agency  
10                  shall submit to the Secretary electronic  
11                  benefit transfer project status reports to  
12                  demonstrate the progress of the State to-  
13                  ward statewide implementation.

14                  “(ii) CONSULTATION.—If a State  
15                  agency plans to incorporate additional pro-  
16                  grams in the electronic benefit transfer  
17                  system of the State, the State agency shall  
18                  consult with the State agency officials re-  
19                  sponsible for administering the programs  
20                  prior to submitting the planning docu-  
21                  ments to the Secretary for approval.

22                  “(iii) REQUIREMENTS.—At a min-  
23                  imum, a status report submitted under  
24                  clause (i) shall contain—

1           “(I) an annual outline of the  
2           electronic benefit transfer implemen-  
3           tation goals and objectives of the  
4           State;

5           “(II) appropriate updates in ac-  
6           cordance with approval requirements  
7           for active electronic benefit transfer  
8           State agencies; and

9           “(III) such other information as  
10          the Secretary may require.

11          “(E) IMPOSITION OF COSTS ON VEN-  
12          DORS.—

13           “(i) COST PROHIBITION.—Except as  
14           otherwise provided in this paragraph, the  
15           Secretary may not impose, or allow a State  
16           agency to impose, the costs of any equip-  
17           ment or system required for electronic ben-  
18           efit transfers on any authorized vendor in  
19           order to transact electronic benefit trans-  
20           fers if the vendor equipment or system is  
21           used solely to support the program.

22           “(ii) COST-SHARING.—The Secretary  
23           shall establish criteria for cost-sharing by  
24           State agencies and vendors of costs associ-  
25           ated with any equipment or system that is

1 not solely dedicated to transacting elec-  
2 tronic benefit transfers for the program.

3 “(iii) FEES.—

4 “(I) IN GENERAL.—A vendor  
5 that elects to accept electronic benefit  
6 transfers using multifunction equip-  
7 ment shall pay commercial transaction  
8 processing costs and fees imposed by  
9 a third-party processor that the ven-  
10 dor elects to use to connect to the  
11 electronic benefit transfer system of  
12 the State.

13 “(II) INTERCHANGE FEES.—No  
14 interchange fees shall apply to elec-  
15 tronic benefit transfer transactions  
16 under this paragraph.

17 “(iv) STATEWIDE OPERATIONS.—  
18 After completion of statewide expansion of  
19 a system for transaction of electronic ben-  
20 efit transfers—

21 “(I) a State agency may not be  
22 required to incur ongoing mainte-  
23 nance costs for vendors using multi-  
24 function systems and equipment to

1 support electronic benefit transfers;  
2 and

3 “(II) any retail store in the State  
4 that applies for authorization to be-  
5 come a program vendor shall be re-  
6 quired to demonstrate the capability  
7 to accept program benefits electroni-  
8 cally prior to authorization, unless the  
9 State agency determines that the ven-  
10 dor is necessary for participant ac-  
11 cess.

12 “(F) MINIMUM LANE COVERAGE.—

13 “(i) IN GENERAL.—The Secretary  
14 shall establish minimum lane coverage  
15 guidelines for vendor equipment and sys-  
16 tems used to support electronic benefit  
17 transfers.

18 “(ii) PROVISION OF EQUIPMENT.—If  
19 a vendor does not elect to accept electronic  
20 benefit transfers using its own multi-  
21 function equipment, the State agency shall  
22 provide such equipment as is necessary to  
23 solely support the program to meet the es-  
24 tablished minimum lane coverage guide-  
25 lines.

1           “(G) TECHNICAL STANDARDS.—The Sec-  
2           retary shall—

3                   “(i) establish technical standards and  
4                   operating rules for electronic benefit trans-  
5                   fer systems; and

6                   “(ii) require each State agency, con-  
7                   tractor, and authorized vendor partici-  
8                   pating in the program to demonstrate com-  
9                   pliance with the technical standards and  
10                  operating rules.”.

11           (e) UNIVERSAL PRODUCT CODES DATABASE.—Sec-  
12           tion 17(h) of the Child Nutrition Act of 1966 (42 U.S.C.  
13           1786(h)) is amended by striking paragraph (13) and in-  
14           serting the following:

15                   “(13) UNIVERSAL PRODUCT CODES DATA-  
16           BASE.—

17                   “(A) IN GENERAL.—Not later than 2 years  
18                   after the date of enactment of the Improving  
19                   Nutrition for America’s Children Act, the Sec-  
20                   retary shall establish a national universal prod-  
21                   uct code database to be used by all State agen-  
22                   cies in carrying out the requirements of para-  
23                   graph (12).

24                   “(B) FUNDING.—



1           “(i) IN GENERAL.—On October 1,  
2           2010, and on each October 1 thereafter,  
3           out of any funds in the Treasury not oth-  
4           erwise appropriated, the Secretary of the  
5           Treasury shall transfer to the Secretary to  
6           carry out this paragraph \$1,000,000, to  
7           remain available until expended.

8           “(ii) RECEIPT AND ACCEPTANCE.—  
9           The Secretary shall be entitled to receive,  
10          shall accept, and shall use to carry out this  
11          paragraph the funds transferred under  
12          clause (i), without further appropriation.

13          “(iii) USE OF FUNDS.—The Secretary  
14          shall use the funds provided under clause  
15          (i) for development, hosting, hardware and  
16          software configuration, and support of the  
17          database required under subparagraph  
18          (A).”.

19          (f) TEMPORARY SPENDING AUTHORITY.—Section  
20          17(i) of the Child Nutrition Act of 1966 (42 U.S.C.  
21          1786(i)) is amended by adding at the end the following:

22                 “(8) TEMPORARY SPENDING AUTHORITY.—  
23                 During each of fiscal years 2012 and 2013, the Sec-  
24                 retary may authorize a State agency to expend more  
25                 than the amount otherwise authorized under para-

1 graph (3)(C) for expenses incurred under this sec-  
2 tion for supplemental foods during the preceding fis-  
3 cal year, if the Secretary determines that—

4 “(A) there has been a significant reduction  
5 in reported infant formula cost containment  
6 savings for the preceding fiscal year due to the  
7 implementation of subsection (h)(8)(K); and

8 “(B) the reduction would affect the ability  
9 of the State agency to serve all eligible partici-  
10 pants.”.

## 11 **Subtitle E—Miscellaneous**

### 12 **SEC. 361. FULL USE OF FEDERAL FUNDS.**

13 Section 12 of the Richard B. Russell National School  
14 Lunch Act (42 U.S.C. 1760) (as amended by section 242)  
15 is further amended by striking subsection (b) and insert-  
16 ing the following:

17 “(b) AGREEMENTS.—

18 “(1) IN GENERAL.—The Secretary shall incor-  
19 porate, in the agreement of the Secretary with the  
20 State agencies administering programs authorized  
21 under this Act or the Child Nutrition Act of 1966  
22 (42 U.S.C. 1771 et seq.), the express requirements  
23 with respect to the operation of the programs to the  
24 extent applicable and such other provisions as in the  
25 opinion of the Secretary are reasonably necessary or

1 appropriate to effectuate the purposes of this Act  
2 and the Child Nutrition Act of 1966 (42 U.S.C.  
3 1771 et seq.).

4 “(2) EXPECTATIONS FOR USE OF FUNDS.—  
5 Agreements described in paragraph (1) shall include  
6 a provision that—

7 “(A) supports full use of Federal funds  
8 provided to State agencies for the administra-  
9 tion of programs authorized under this Act or  
10 the Child Nutrition Act of 1966 (42 U.S.C.  
11 1771 et seq.); and

12 “(B) excludes the Federal funds from  
13 State budget restrictions or limitations includ-  
14 ing, at a minimum—

15 “(i) hiring freezes;

16 “(ii) work furloughs; and

17 “(iii) travel restrictions.”.

18 **SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND IN-**

19 **DIVIDUALS.**

20 Section 12 of the Richard B. Russell National School  
21 Lunch Act (42 U.S.C. 1760) (as amended by section 361)

22 is further amended by adding at the end the following:

23 “(r) DISQUALIFIED SCHOOLS, INSTITUTIONS, AND  
24 INDIVIDUALS.—Any school, institution, service institution,  
25 facility, or individual that has been terminated from any

1 program authorized under this Act or the Child Nutrition  
2 Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of  
3 disqualified institutions and individuals under section 13  
4 or section 17(d)(5)(E) of this Act may not be approved  
5 to participate in or administer any program authorized  
6 under this Act or the Child Nutrition Act of 1966 (42  
7 U.S.C. 1771 et seq.).”.

8       **TITLE IV—MISCELLANEOUS**  
9       **Subtitle A—Reauthorization of**  
10       **Expiring Provisions**

11       **PART 1—RICHARD B. RUSSELL NATIONAL**  
12       **SCHOOL LUNCH ACT**

13       **SEC. 401. COMMODITY SUPPORT.**

14       Section 6(e)(1)(B) of the Richard B. Russell National  
15 School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended  
16 by striking “September 30, 2010” and inserting “Sep-  
17 tember 30, 2020”.

18       **SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.**

19       Section 9(h) of the Richard B. Russell National  
20 School Lunch Act (42 U.S.C. 1758(h)) is amended—

21               (1) in paragraph (3), by striking “2006  
22 through 2010” and inserting “2011 through 2015”;  
23 and

24               (2) in paragraph (4), by striking “2006  
25 through 2010” and inserting “2011 through 2015”.

1 **SEC. 403. AUTHORIZATION OF THE SUMMER FOOD SERVICE**  
2 **PROGRAM FOR CHILDREN.**

3 Subsection (r) of section 13 of the Richard B. Russell  
4 National School Lunch Act (42 U.S.C. 1761) (as redesign-  
5 nated by section 322(1)) is amended by striking “Sep-  
6 tember 30, 2009” and inserting “September 30, 2015”.

7 **SEC. 404. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.**

8 Section 18 of the Richard B. Russell National School  
9 Lunch Act (42 U.S.C. 1769) is amended by striking sub-  
10 section (j) (as redesignated by section 208(1)).

11 **SEC. 405. TRAINING, TECHNICAL ASSISTANCE, AND FOOD**  
12 **SERVICE MANAGEMENT INSTITUTE.**

13 Section 21(e) of the Richard B. Russell National  
14 School Lunch Act (42 U.S.C. 1769b–1(e)) is amended—

15 (1) by striking “(e) AUTHORIZATION OF AP-  
16 PROPRIATIONS” and all that follows through the end  
17 of paragraph (2)(A) and inserting the following:

18 “(e) FOOD SERVICE MANAGEMENT INSTITUTE.—

19 “(1) FUNDING.—

20 “(A) IN GENERAL.—In addition to any  
21 amounts otherwise made available for fiscal  
22 year 2011, on October 1, 2010, and each Octo-  
23 ber 1 thereafter, out of any funds in the Treas-  
24 ury not otherwise appropriated, the Secretary of  
25 the Treasury shall transfer to the Secretary to

1 carry out subsection (a)(2) \$5,000,000, to re-  
2 main available until expended.

3 “(B) RECEIPT AND ACCEPTANCE.—The  
4 Secretary shall be entitled to receive, shall ac-  
5 cept, and shall use to carry out subsection  
6 (a)(2) the funds transferred under subpara-  
7 graph (A), without further appropriation.”;

8 (2) by redesignating subparagraphs (B) and  
9 (C) as paragraphs (2) and (3), respectively, and in-  
10 denting appropriately;

11 (3) in paragraph (2) (as so redesignated), by  
12 striking “subparagraph (A)” each place it appears  
13 and inserting “paragraph (1)”; and

14 (4) in paragraph (3) (as so redesignated), by  
15 striking “subparagraphs (A) and (B)” and inserting  
16 “paragraphs (1) and (2)”.

17 **SEC. 406. FEDERAL ADMINISTRATIVE SUPPORT.**

18 Section 21(g)(1)(A) of the Richard B. Russell Na-  
19 tional School Lunch Act (42 U.S.C. 1769b–1(g)(1)(A)) is  
20 amended—

21 (1) in clause (i), by striking “and” at the end;

22 (2) in clause (ii), by striking the period at the  
23 end and inserting “; and”; and

24 (3) by adding at the end the following:

1                   “(iii) on October 1, 2010, and each  
2                   October 1 thereafter, \$4,000,000.”.

3 **SEC. 407. COMPLIANCE AND ACCOUNTABILITY.**

4           Section 22(d) of the Richard B. Russell National  
5 School Lunch Act (42 U.S.C. 1769c(d)) is amended by  
6 striking “\$6,000,000 for each of fiscal years 2004 through  
7 2009” and inserting “\$10,000,000 for each of fiscal years  
8 2011 through 2015”.

9 **SEC. 408. INFORMATION CLEARINGHOUSE.**

10          Section 26(d) of the Richard B. Russell National  
11 School Lunch Act (42 U.S.C. 1769g(d)) is amended in  
12 the first sentence by striking “\$250,000 for each of fiscal  
13 years 2005 through 2009” and inserting “\$1,000,000 for  
14 each of fiscal years 2010 through 2015”.

15                   **PART 2—CHILD NUTRITION ACT OF 1966**

16 **SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.**

17          Section 7(i)(4) of the Child Nutrition Act of 1966  
18 (42 U.S.C. 1776(i)(4)) is amended by striking “2005  
19 through 2009” and inserting “2010 through 2015”.

20 **SEC. 422. STATE ADMINISTRATIVE EXPENSES.**

21          Section 7(j) of the Child Nutrition Act of 1966 (42  
22 U.S.C. 1776(j)) is amended by striking “October 1, 2009”  
23 and inserting “October 1, 2015”.

1 **SEC. 423. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**  
2 **FOR WOMEN, INFANTS, AND CHILDREN.**

3 Section 17(g)(1)(A) of the Child Nutrition Act of  
4 1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking  
5 “each of fiscal years 2004 through 2009” and inserting  
6 “each of fiscal years 2010 through 2015”.

7 **SEC. 424. FARMERS MARKET NUTRITION PROGRAM.**

8 Section 17(m)(9) of the Child Nutrition Act of 1966  
9 (42 U.S.C. 1786(m)(9)) is amended by striking subpara-  
10 graph (A) and inserting the following:

11 “(A) AUTHORIZATION OF APPROPRIA-  
12 TIONS.—There are authorized to be appro-  
13 priated to carry out this subsection such sums  
14 as are necessary for each of fiscal years 2010  
15 through 2015.”.

16 **Subtitle B—Technical Amendments**

17 **SEC. 441. TECHNICAL AMENDMENTS.**

18 (a) RICHARD B. RUSSELL NATIONAL SCHOOL  
19 LUNCH ACT.—

20 (1) NUTRITIONAL REQUIREMENTS.—Section  
21 9(f) of the Richard B. Russell National School  
22 Lunch Act (42 U.S.C. 1758(f)) is amended—

23 (A) by striking “(f)” and all that follows  
24 through the end of paragraph (1) and inserting  
25 the following:

26 “(f) NUTRITIONAL REQUIREMENTS.—



1           “(1) IN GENERAL.—Schools that are partici-  
2           pating in the school lunch program or school break-  
3           fast program shall serve lunches and breakfasts  
4           that—

5                   “(A) are consistent with the goals of the  
6                   most recent Dietary Guidelines for Americans  
7                   published under section 301 of the National  
8                   Nutrition Monitoring and Related Research Act  
9                   of 1990 (7 U.S.C. 5341); and

10                   “(B) consider the nutrient needs of chil-  
11                   dren who may be at risk for inadequate food in-  
12                   take and food insecurity.”;

13                   (B) by striking paragraph (2); and

14                   (C) by redesignating paragraphs (3)  
15                   through (5) as paragraphs (2) through (4), re-  
16                   spectively.

17           (2) ROUNDING RULES FOR COMPUTATION OF  
18           ADJUSTMENT.—Section 11(a)(3)(B) of the Richard  
19           B. Russell National School Lunch Act (42 U.S.C.  
20           1759a(a)(3)(B)) is amended by striking “ROUND-  
21           ING.—” and all that follows through “On July” in  
22           subclause (II) and inserting “ROUNDING.—On  
23           July”.

24           (3) INFORMATION AND ASSISTANCE CON-  
25           CERNING REIMBURSEMENT OPTIONS.—Section 11 of

1 the Richard B. Russell National School Lunch Act  
2 (42 U.S.C. 1759a) is amended by striking subsection  
3 (f).

4 (4) 1995 REGULATIONS TO IMPLEMENT DIE-  
5 TARY GUIDELINES.—Section 12 of the Richard B.  
6 Russell National School Lunch Act (42 U.S.C.  
7 1760) (as amended by section 362) is further  
8 amended by striking subsection (k).

9 (5) SUMMER FOOD SERVICE PROGRAM FOR  
10 CHILDREN.—

11 (A) IN GENERAL.—Section 13 of the Rich-  
12 ard B. Russell National School Lunch Act (42  
13 U.S.C. 1761) is amended by striking the section  
14 heading and all that follows through the end of  
15 subsection (a)(1) and inserting the following:

16 **“SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHIL-**  
17 **DREN.**

18 “(a) IN GENERAL.—

19 “(1) DEFINITIONS.—In this section:

20 “(A) AREA IN WHICH POOR ECONOMIC  
21 CONDITIONS EXIST.—

22 “(i) IN GENERAL.—Subject to clause  
23 (ii), the term area in which poor economic  
24 conditions exist, as the term relates to an

1 area in which a program food service site  
2 is located, means—

3 “(I) the attendance area of a  
4 school in which at least 50 percent of  
5 the enrolled children have been deter-  
6 mined eligible for free or reduced  
7 price school meals under this Act and  
8 the Child Nutrition Act of 1966 (42  
9 U.S.C. 1771 et seq.);

10 “(II) a geographic area, as de-  
11 fined by the Secretary based on the  
12 most recent census data available, in  
13 which at least 50 percent of the chil-  
14 dren residing in that area are eligible  
15 for free or reduced price school meals  
16 under this Act and the Child Nutri-  
17 tion Act of 1966 (42 U.S.C. 1771 et  
18 seq.);

19 “(III) an area—

20 “(aa) for which the program  
21 food service site documents the  
22 eligibility of enrolled children  
23 through the collection of income  
24 eligibility statements from the

1 families of enrolled children or  
2 other means; and

3 “(bb) at least 50 percent of  
4 the children enrolled at the pro-  
5 gram food service site meet the  
6 income standards for free or re-  
7 duced price school meals under  
8 this Act and the Child Nutrition  
9 Act of 1966 (42 U.S.C. 1771 et  
10 seq.);

11 “(IV) a geographic area, as de-  
12 fined by the Secretary based on infor-  
13 mation provided from a department of  
14 welfare or zoning commission, in  
15 which at least 50 percent of the chil-  
16 dren residing in that area are eligible  
17 for free or reduced price school meals  
18 under this Act and the Child Nutri-  
19 tion Act of 1966 (42 U.S.C. 1771 et  
20 seq.); or

21 “(V) an area for which the pro-  
22 gram food service site demonstrates  
23 through other means approved by the  
24 Secretary that at least 50 percent of  
25 the children enrolled at the program

1 food service site are eligible for free or  
2 reduced price school meals under this  
3 Act and the Child Nutrition Act of  
4 1966 (42 U.S.C. 1771 et seq.).

5 “(ii) DURATION OF DETERMINA-  
6 TION.—A determination that an area is an  
7 area in which poor economic conditions  
8 exist under clause (i) shall be in effect  
9 for—

10 “(I) in the case of an area de-  
11 scribed in clause (i)(I), 5 years;

12 “(II) in the case of an area de-  
13 scribed in clause (i)(II), until more re-  
14 cent census data are available;

15 “(III) in the case of an area de-  
16 scribed in clause (i)(III), 1 year; and

17 “(IV) in the case of an area de-  
18 scribed in subclause (IV) or (V) of  
19 clause (i), a period of time to be de-  
20 termined by the Secretary, but not  
21 less than 1 year.

22 “(B) CHILDREN.—The term children  
23 means—

24 “(i) individuals who are 18 years of  
25 age and under; and

1                   “(ii) individuals who are older than 18  
2                   years of age who are—

3                   “(I) determined by a State edu-  
4                   cational agency or a local public edu-  
5                   cational agency of a State, in accord-  
6                   ance with regulations promulgated by  
7                   the Secretary, to have a disability;  
8                   and

9                   “(II) participating in a public or  
10                  nonprofit private school program es-  
11                  tablished for individuals who have a  
12                  disability.

13                  “(C) PROGRAM.—The term program  
14                  means the summer food service program for  
15                  children authorized by this section.

16                  “(D) SERVICE INSTITUTION.—The term  
17                  service institution means a public or private  
18                  nonprofit school food authority, local, munic-  
19                  ipal, or county government, public or private  
20                  nonprofit higher education institution partici-  
21                  pating in the National Youth Sports Program,  
22                  or residential public or private nonprofit sum-  
23                  mer camp, that develops special summer or  
24                  school vacation programs providing food service  
25                  similar to food service made available to chil-

1           dren during the school year under the school  
2           lunch program under this Act or the school  
3           breakfast program under the Child Nutrition  
4           Act of 1966 (42 U.S.C. 1771 et seq.).

5           “(E) STATE.—The term ‘State’ means—

6                   “(i) each of the several States of the  
7                   United States;

8                   “(ii) the District of Columbia;

9                   “(iii) the Commonwealth of Puerto  
10                  Rico;

11                  “(iv) Guam;

12                  “(v) American Samoa;

13                  “(vi) the Commonwealth of the North-  
14                  ern Mariana Islands; and

15                  “(vii) the United States Virgin Is-  
16                  lands.”.

17           (B) CONFORMING AMENDMENTS.—Section  
18           13(a) of the Richard B. Russell National School  
19           Lunch Act (42 U.S.C. 1761(a)) (as amended by  
20           section 113) is further amended—

21                   (i) in paragraph (2)—

22                           (I) by striking “(2) To the max-  
23                           imum extent feasible,” and inserting  
24                           the following:

25                   “(2) PROGRAM AUTHORIZATION.—

1           “(A) IN GENERAL.—The Secretary may  
2 carry out a program to assist States, through  
3 grants-in-aid and other means, to initiate and  
4 maintain nonprofit summer food service pro-  
5 grams for children in service institutions.

6           “(B) PREPARATION OF FOOD.—

7           “(i) IN GENERAL.—To the maximum  
8 extent feasible,”; and

9           (II) by striking “The Secretary  
10 shall” and inserting the following:

11           “(ii) INFORMATION AND TECHNICAL  
12 ASSISTANCE.—The Secretary shall”;

13           (ii) in paragraph (3)—

14           (I) by striking “(3) Eligible serv-  
15 ice institutions” and inserting the fol-  
16 lowing:

17           “(3) ELIGIBLE SERVICE INSTITUTIONS.—Eligi-  
18 ble service institutions”;

19           (II) by indenting subparagraphs  
20 (A) through (D) appropriately;

21           (iii) in paragraph (4)—

22           (I) by redesignating subpara-  
23 graphs (A) through (D) as clauses (i)  
24 through (iv), respectively, and indent-  
25 ing appropriately;



1 (II) by striking “(4) The fol-  
2 lowing” and inserting the following:

3 “(4) PRIORITY.—

4 “(A) IN GENERAL.—The following”; and

5 (III) by striking “The Secretary  
6 and the States” and inserting the fol-  
7 lowing:

8 “(B) RURAL AREAS.—The Secretary and  
9 the States”;

10 (iv) by striking “(5) Camps” and in-  
11 sserting the following:

12 “(5) CAMPS.—Camps”; and

13 (v) by striking “(6) Service institu-  
14 tions” and inserting the following:

15 “(6) GOVERNMENT INSTITUTIONS.—Service in-  
16 stitutions”.

17 (6) REPORT ON IMPACT OF PROCEDURES TO  
18 SECURE STATE SCHOOL INPUT ON COMMODITY SE-  
19 LECTION.—Section 14(d) of the Richard B. Russell  
20 National School Lunch Act (42 U.S.C. 1762a(d)) is  
21 amended by striking the matter that follows para-  
22 graph (5).

23 (7) RURAL AREA DAY CARE HOME PILOT PRO-  
24 GRAM.—Section 17 of the Richard B. Russell Na-

1 tional School Lunch Act (42 U.S.C. 1766) is amend-  
2 ed by striking subsection (p).

3 (8) CHILD AND ADULT CARE FOOD PROGRAM  
4 TRAINING AND TECHNICAL ASSISTANCE.—Section  
5 17(q) of the Richard B. Russell National School  
6 Lunch Act (42 U.S.C. 1766(q)) is amended by strik-  
7 ing paragraph (3).

8 (9) PILOT PROJECT FOR PRIVATE NONPROFIT  
9 STATE AGENCIES.—Section 18 of the Richard B.  
10 Russell National School Lunch Act (42 U.S.C.  
11 1769) is amended by striking subsection (a).

12 (10) MEAL COUNTING AND APPLICATION PILOT  
13 PROGRAMS.—Section 18(c) of the Richard B. Russell  
14 National School Lunch Act (42 U.S.C. 1769(c)) is  
15 amended—

16 (A) by striking paragraphs (1) and (2);

17 and

18 (B) by redesignating paragraphs (3) and  
19 (4) as paragraphs (1) and (2), respectively.

20 (11) MILK FORTIFICATION PILOT.—Section 18  
21 of the Richard B. Russell National School Lunch  
22 Act (42 U.S.C. 1769) is amended by striking sub-  
23 section (d).

24 (12) FREE BREAKFAST PILOT PROJECT.—Sec-  
25 tion 18 of the Richard B. Russell National School

1 Lunch Act (42 U.S.C. 1769) is amended by striking  
2 subsection (e).

3 (13) SUMMER FOOD SERVICE RESIDENTIAL  
4 CAMP ELIGIBILITY.—Section 18 of the Richard B.  
5 Russell National School Lunch Act (42 U.S.C.  
6 1769) is amended by striking subsection (f).

7 (14) FRESH FRUIT AND VEGETABLE PRO-  
8 GRAM.—Subsection (b) of section 19 of the Richard  
9 B. Russell National School Lunch Act (42 U.S.C.  
10 1769a(b)) is amended to read as follows:

11 “(b) PROGRAM.—A school participating in the pro-  
12 gram—

13 “(1) shall make free fresh fruits and vegetables  
14 available to students throughout the school day (or  
15 at such other times as are considered appropriate by  
16 the Secretary) in 1 or more areas designated by the  
17 school; and

18 “(2) may make free dried fruit available to stu-  
19 dents throughout the school day (or at such other  
20 times as are considered appropriate by the Sec-  
21 retary) in 1 or more areas designated by the school  
22 only if such dried fruit—

23 “(A) contains no added sugar; and

24 “(B) meets any additional specifications,  
25 as established by the Secretary.”.

1           (15) ACCOMMODATION OF THE SPECIAL DIE-  
2 TARY NEEDS OF INDIVIDUALS WITH DISABILITIES.—  
3 Section 27 of the Richard B. Russell National  
4 School Lunch Act (42 U.S.C. 1769h) is repealed.

5 (b) CHILD NUTRITION ACT OF 1966.—

6           (1) STATE ADMINISTRATIVE EXPENSES MIN-  
7 IMUM LEVELS FOR 2005 THROUGH 2007.—Section  
8 7(a)(1) of the Child Nutrition Act of 1966 (42  
9 U.S.C. 1776(a)(1)) is amended—

10                   (A) in subparagraph (A), by striking “Ex-  
11 cept as provided in subparagraph (B), each fis-  
12 cal year” and inserting “Each fiscal year”;

13                   (B) by striking subparagraph (B); and

14                   (C) by redesignating subparagraph (C) as  
15 subparagraph (B).

16           (2) FRUIT AND VEGETABLE GRANTS UNDER  
17 THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM  
18 FOR WOMEN, INFANTS, AND CHILDREN.—Section  
19 17(f)(11) of the Child Nutrition Act of 1966 (42  
20 U.S.C. 1786(f)(11)) is amended—

21                   (A) by striking subparagraph (C); and

22                   (B) by redesignating subparagraph (D) (as  
23 amended by section 232) and subparagraph (E)  
24 as subparagraphs (C) and (D), respectively.

1 **SEC. 442. EQUIPMENT ASSISTANCE TECHNICAL CORREC-**  
2 **TION.**

3 Notwithstanding any other provision of law, school  
4 food authorities that received a grant for equipment as-  
5 sistance under the grant program carried out under the  
6 heading “Food and Nutrition Service Child Nutrition Pro-  
7 grams” in title I of division A of the American Recovery  
8 and Reinvestment Act of 2009 (Public Law 111–5; 123  
9 Stat. 119) shall be eligible to receive a grant under section  
10 749(j) of the Agriculture, Rural Development, Food and  
11 Drug Administration, and Related Agencies Appropria-  
12 tions Act, 2010 (Public Law 111–80; 123 Stat. 2134) to  
13 make equipment available to schools that did not pre-  
14 viously receive equipment assistance under a grant under  
15 such heading (Public Law 111–5; 123 Stat. 119).

16 **SEC. 443. BUDGETARY EFFECTS.**

17 The budgetary effects of this Act, for the purpose of  
18 complying with the Statutory Pay-As-You-Go Act of 2010,  
19 shall be determined by reference to the latest statement  
20 titled “Budgetary Effects of PAYGO Legislation” for this  
21 Act, submitted for printing in the Congressional Record  
22 by the Chairman of the Senate Budget Committee, pro-  
23 vided that such statement has been submitted prior to the  
24 vote on passage.

1 **SEC. 444. EFFECTIVE DATE.**

2       Except as otherwise specifically provided in this Act  
3 or any of the amendments made by this Act, this Act and  
4 the amendments made by this Act take effect on October  
5 1, 2010.

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