

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5504
OFFERED BY MR. GEORGE MILLER OF
CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

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

TITLE I—A PATH TO END CHILDHOOD HUNGER

Subtitle A—National School Lunch Program

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

Subtitle B—Summer Food Service Program

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

Subtitle C—Child and Adult Care Food Program

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

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

Sec. 131. Certification periods.

Subtitle E—Miscellaneous

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

TITLE II—IMPROVING NUTRITION QUALITY

Subtitle A—School Nutrition Programs

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

Subtitle B—Child and Adult Care Food Program

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

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

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

Subtitle D—Miscellaneous

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

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

Subtitle A—National School Lunch Program

- Sec. 301. Indirect costs.
- Sec. 302. Revenue from nonprogram foods sold in schools.
- Sec. 303. Reporting and notification of school performance.
- Sec. 304. Compliance and accountability study.
- Sec. 305. Applicability of food safety program on entire school campus.
- Sec. 306. Ensuring safety of school meals.

- Sec. 307. Information on commodity food suppliers.
- Sec. 308. Privacy protection.
- Sec. 309. Fines for violating program requirements.
- Sec. 310. Independent review of applications.
- Sec. 311. Program evaluation.

Subtitle B—Summer Food Service Program

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

Subtitle C—Child and Adult Care Food Program

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

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

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

Subtitle E—Miscellaneous

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

TITLE IV—MISCELLANEOUS

Subtitle A—Reauthorization of Expiring Provisions

PART 1—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

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

PART 2—CHILD NUTRITION ACT OF 1966

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

Subtitle B—Technical Amendments

- Sec. 441. Technical amendments.
- Sec. 442. Equipment assistance technical correction.

Sec. 443. Budgetary effects.

Sec. 444. Effective date.

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

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

4 **TITLE I—A PATH TO END**

5 **CHILDHOOD HUNGER**

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

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

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

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

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

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

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

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

1 (b) CATEGORICAL ELIGIBILITY.—Section
2 9(b)(12)(A) of the Richard B. Russell National School
3 Lunch Act (42 U.S.C. 1758(b)(12)(A)) is amended—

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

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

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

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

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

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

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

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

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

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

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

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

13 **SEC. 102. IMPROVING DIRECT CERTIFICATION.**

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

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

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

21 “(E) PERFORMANCE AWARDS.—

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

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

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

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

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

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

20 “(bb) substantial improve-
21 ment.

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

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

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

16 “(iv) FUNDING.—

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

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

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

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

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

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

19 “(F) PERFORMANCE IMPROVEMENT.—

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

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

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

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

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

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

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

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

5 “(iii) CONTINUOUS IMPROVEMENT
6 PLANS.—

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

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

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

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

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

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

13 “(G) WITHOUT FURTHER APPLICATION.—

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

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

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

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

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

8 “(A) IMPLEMENTATION.—

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

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

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

1 directly certify eligible children for
2 such year and each subsequent school
3 year;

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

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

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

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

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

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

3 “(B) STATE SELECTION.—

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

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

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

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

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

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

8 “(C) AGREEMENT.—

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

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

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

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

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

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

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

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

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

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

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

19 “(G) FUNDING.—

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

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

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

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

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

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

1 applications for free and reduced price
2 lunches if—

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

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

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

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

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

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

1 ance payments under this subpara-
2 graph.

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

19 “(iii) FIRST YEAR OF OPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

3 “(v) GRACE YEAR.—

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

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

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

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

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

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

19 “(vii) MULTIPLIER.—

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

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

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

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

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

15 “(viii) THRESHOLD.—

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

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

25 “(ix) PHASE-IN.—

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

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

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

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

24 “(x) ELECTION OF OPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(xi) IMPLEMENTATION.—

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

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

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

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

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

1 special assistance payments
2 under clause (ii);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “(aa) program integrity;

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

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

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

11 “(ee) program participation;
12 and

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

20 “(xiii) FUNDING.—

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

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

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

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

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

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

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

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

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

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

6 “(2) ALTERNATIVE METHODS.—

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

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

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

20 “(B) USE OF ALTERNATIVE METHODS.—

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

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

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

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

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

20 “(C) DEMONSTRATION PROJECTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(d) REIMBURSEMENT.—

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

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

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

5 “(C) served without charge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

3 “(1) ESTABLISHMENT.—

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

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

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

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

19 “(C) BEST PRACTICES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(5) FUNDING.—

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

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

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

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

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

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

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

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

24 “(11) OUTREACH TO ELIGIBLE FAMILIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(II) on weekends; or

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

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

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

18 “(F) TERMS AND CONDITIONS.—

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

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

12 “(iii) REIMBURSEMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (3) in subparagraph (B)(iii)—

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

15 (B) by striking clause (iv).

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

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

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

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

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

6 “(B) REIMBURSEMENT.—

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

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

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

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

1 retary shall give priority consideration to
2 States that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **Subtitle E—Miscellaneous**

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

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

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

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

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

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

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

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

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

7 “(2) provide grants to eligible entities.

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

10 “(1) a State;

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

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

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

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

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

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

3 “(3) the extent to which—

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

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

10 “(i) gaps in program coverage;

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

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

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

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

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

1 “(f) FUNDING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 “(A) Federal child nutrition programs;

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

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

18 “(e) SELECTION CRITERIA.—

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

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

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

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

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

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

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

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

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

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

13 “(B) the Secretary of Labor;

14 “(C) the Secretary of Education; and

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

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

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

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

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

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

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

10 “(3) an annual budget;

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

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

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

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

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

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

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

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

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

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

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

11 “(i) LIMITATIONS.—

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

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

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

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

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

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

8 “(j) DEFINITIONS.—In this section:

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

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

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

16 “(A) a Governor of a State; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tion and related materials to such
2 household; and

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

6 “(C) STUDY ON CURRENT PRACTICES.—

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

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

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

1 local educational agency for such
2 meal;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “(2) ELIGIBILITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(4) GUIDELINES.—

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

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

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

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

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

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

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

8 “(5) EVALUATION.—

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

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

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

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

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

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

25 “(B) ELIGIBLE INSTITUTION.—

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

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

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

11 “(II) a food bank or food pantry;

12 “(III) a homeless shelter; and

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

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

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

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

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

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

11 “(A) **REGULATIONS.**—

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

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

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

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

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

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

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

18 “(C) ADDITIONAL REIMBURSEMENT.—

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

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

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

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

22 “(F) ADMINISTRATIVE COSTS.—

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

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

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

12 “(iii) FUNDING.—

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

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

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

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

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

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

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

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

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

7 **SEC. 203. WATER.**

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

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

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

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

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

23 **“SEC. 10. REGULATIONS.**

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

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

3 “(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

4 “(1) REGULATIONS.—

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

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

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

17 “(ii) on the school campus; and

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

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

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

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

17 “(ii) consider—

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

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

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

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

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

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

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

22 “(2) IMPLEMENTATION.—

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

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

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

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

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

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

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

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

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

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

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

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

23 “(B) promote student health and wellness;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(3) FUNDING.—

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

1 carry out this subsection \$500,000, to remain
2 available until expended.

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

8 “(e) REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(3) REPORTING.—

23 “(A) LOCAL EDUCATIONAL AGENCY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(b) STATE NUTRITION PROMOTION FUNDING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(C) an Indian tribal organization; or

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

26 “(2) FARM-TO-SCHOOL GRANTS.—

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

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

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

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

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

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

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

3 “(3) ADMINISTRATION.—

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

6 “(B) FEDERAL SHARE.—

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

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

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

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

5 “(i) geographical diversity; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(8) FUNDING.—

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

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

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

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

20 “(1) IN GENERAL.—”;

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

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

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

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

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

7 “(i) INFORMATION EXCHANGE.—

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

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

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

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

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

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

5 “(3) FUNDING.—

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

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

11 and

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

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

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

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

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

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

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

6 “(1) IN GENERAL.—

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

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

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

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

1 “(1) DEFINITION OF DIETARY GUIDELINES.—

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

7 “(2) NUTRITIONAL REQUIREMENTS.—

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

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

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

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

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

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

17 “(iii) REGULATIONS.—

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

1 served under the program under this
2 section.

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

13 “(C) EXCEPTIONS.—

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

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

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

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

7 “(4) FLUID MILK.—

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

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

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

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

7 “(C) APPROVAL.—

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

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

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

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

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

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

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

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

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

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

25 “(B) donated by the Secretary;

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

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

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

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

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

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

25 “(i) menu planning;

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

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

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

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

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

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

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

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

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

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

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

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

1 based on authoritative scientific rec-
2 ommendation with—

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

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

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

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

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

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

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

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

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

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

16 “(D) FUNDING.—

17 “(i) IN GENERAL.—On October 1,
18 2010, out of any funds in the Treasury not
19 otherwise appropriated, the Secretary of
20 the Treasury shall transfer to the Sec-
21 retary to carry out this paragraph
22 \$10,000,000, to remain available until ex-
23 pended.

24 “(ii) RECEIPT AND ACCEPTANCE.—

25 The Secretary shall be entitled to receive,

1 shall accept, and shall use to carry out this
2 subsection the funds transferred under
3 clause (i), without further appropriation.

4 “(3) COMPETITIVE GRANTS.—

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

12 “(B) PRIORITY.—In awarding grants
13 under this paragraph, the Secretary shall give
14 priority to State agencies administering projects
15 under the program that carry out each of the
16 authorized uses of funds described in subpara-
17 graph (C)(ii).

18 “(C) USES OF FUNDS.—

19 “(i) REQUIRED USES.—A State agen-
20 cy receiving a grant under this paragraph
21 shall use not less than 50 percent of such
22 grant funds to award subgrants to institu-
23 tions, including sponsoring organizations,
24 for the purpose of carrying out the activi-
25 ties described in clause (ii).

1 “(ii) AUTHORIZED USES.—In addition
2 to such other activities as the Secretary de-
3 termines to be appropriate, State agencies
4 and institutions may use funds received
5 under this paragraph for activities that—

6 “(I) promote nutrition and phys-
7 ical activity in child care settings that
8 reflect the recommendations of—

9 “(aa) the most recent
10 version of the Dietary Guidelines
11 for Americans published under
12 section 301 of the National Nu-
13 trition Monitoring and Related
14 Research Act of 1990 (7 U.S.C.
15 5341); and

16 “(bb) authoritative scientific
17 recommendations;

18 “(II) provide technical assistance
19 and training to sponsors and pro-
20 viders of child care centers and family
21 or group day care homes in imple-
22 menting State or local initiatives de-
23 signed to improve the health and nu-
24 trition of children in child care set-
25 tings;

1 “(III) perform outreach cam-
2 paigns on the State or local level that
3 are designed to increase access to the
4 program in underserved areas and
5 populations, including subsidized child
6 care providers; and

7 “(IV) make innovative use of
8 technology to provide training and
9 education to promote the nutrition,
10 physical activity, and health of chil-
11 dren.

12 “(D) APPLICATION.—To be eligible to re-
13 ceive a grant under this paragraph, a State
14 agency shall submit an application to the Sec-
15 retary at such time, in such manner, and con-
16 taining such information as the Secretary may
17 require, which shall include—

18 “(i) a plan to promote child care set-
19 tings that encourage healthful behaviors,
20 including improvements to the quality of
21 meals and supplements provided in institu-
22 tions, family or group day care homes, and
23 sponsored centers; and

24 “(ii) a description of—

1 “(I) the procedures by which the
2 State agency will use the grant to
3 award subgrants to institutions; and

4 “(II) the criteria that the State
5 agency will use in awarding such sub-
6 grants.

7 “(E) REPORTING.—Any State agency re-
8 ceiving a grant under this paragraph shall sub-
9 mit a report to the Secretary at such time, in
10 such manner, and containing such information
11 as the Secretary may require that, at a min-
12 imum, shall include—

13 “(i) a description of the activities sup-
14 ported with funds under this paragraph;

15 “(ii) the progress of implementing the
16 activities; and

17 “(iii) the outcome of the activities.

18 “(F) BEST PRACTICES.—The Secretary
19 shall provide to State agencies and institutions
20 best practices for implementing effective nutri-
21 tion and wellness initiatives, including best
22 practices for implementing the activities sup-
23 ported with funds under this paragraph.

24 “(G) FUNDING.—

1 “(i) IN GENERAL.—On October 1,
2 2010, out of any funds in the Treasury not
3 otherwise appropriated, the Secretary of
4 the Treasury shall transfer to the Sec-
5 retary to carry out this paragraph
6 \$25,000,000 to remain available until ex-
7 pended to carry out this paragraph to re-
8 main available until expended.

9 “(ii) RECEIPT AND ACCEPTANCE.—
10 The Secretary shall be entitled to receive,
11 shall accept, and shall use to carry out this
12 paragraph the funds transferred under
13 clause (i) without further appropriation.

14 “(4) ADDITIONAL INFORMATION.—The Sec-
15 retary, in consultation with the Secretary of Health
16 and Human Services, shall make available informa-
17 tion to State agencies and institutions, family and
18 group day care homes, and sponsored centers par-
19 ticipating in the program under this section on com-
20 mon food-related choking hazards and avoiding food
21 choking by young children.”.

22 **SEC. 222. STUDY ON NUTRITION AND WELLNESS QUALITY**
23 **OF CHILD CARE SETTINGS.**

24 (a) IN GENERAL.—Not less than 3 years after the
25 date of enactment of this Act, the Secretary, in consulta-

1 tion with the Secretary of Health and Human Services,
2 shall enter into a contract for the conduct of a nationally
3 representative study of child care centers and family or
4 group day care homes that includes an assessment of—

5 (1) the nutritional quality of all foods provided
6 to children in child care settings as compared to the
7 recommendations in the most recent Dietary Guide-
8 lines for Americans published under section 301 of
9 the National Nutrition Monitoring and Related Re-
10 search Act of 1990 (7 U.S.C. 5341);

11 (2) the quantity and type of opportunities for
12 physical activity provided to children in child care
13 settings;

14 (3) the quantity of time spent by children in
15 child care settings in sedentary activities;

16 (4) an assessment of barriers and facilitators
17 to—

18 (A) providing foods to children in child
19 care settings that meet the recommendations of
20 the most recent Dietary Guidelines for Ameri-
21 cans published under section 301 of the Na-
22 tional Nutrition Monitoring and Related Re-
23 search Act of 1990 (7 U.S.C. 5341);

1 (B) providing the appropriate quantity and
2 type of opportunities of physical activity for
3 children in child care settings; and

4 (C) participation by institutions, family or
5 group day care homes, and sponsored centers
6 under the child and adult care food program es-
7 tablished under section 17 of the Richard B.
8 Russell National School Lunch Act (42 U.S.C.
9 1766); and

10 (5) such other assessment measures as the Sec-
11 retary may determine to be necessary.

12 (b) REPORT TO CONGRESS.—The Secretary shall
13 submit to the Committee on Education and Labor of the
14 House of Representatives and the Committee on Agri-
15 culture, Nutrition, and Forestry of the Senate, a report
16 that includes a detailed description of the results of the
17 study conducted under subsection (a).

18 (c) FUNDING.—

19 (1) IN GENERAL.—On October 1, 2010, out of
20 any funds in the Treasury not otherwise appro-
21 priated, the Secretary of the Treasury shall transfer
22 to the Secretary to carry out this section
23 \$5,000,000, to remain available until expended.

24 (2) RECEIPT AND ACCEPTANCE.—The Sec-
25 retary shall be entitled to receive, shall accept, and

1 shall use to carry out this section the funds trans-
2 ferred under paragraph (1), without further appro-
3 priation.

4 **Subtitle C—Special Supplemental**
5 **Nutrition Program for Women,**
6 **Infants, and Children**

7 **SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PRO-**
8 **GRAM.**

9 Section 17 of the Child Nutrition Act of 1966 (42
10 U.S.C. 1786) is amended—

11 (1) in subsection (a), in the second sentence, by
12 striking “supplemental foods and nutrition education
13 through any eligible local agency” and inserting
14 “supplemental foods and nutrition education, includ-
15 ing breastfeeding promotion and support, through
16 any eligible local agency”;

17 (2) in subsection (b)(4), by inserting
18 “breastfeeding support and promotion,” after “nu-
19 trition education,”;

20 (3) in subsection (c)(1), in the first sentence, by
21 striking “supplemental foods and nutrition education
22 to” and inserting “supplemental foods, nutrition
23 education, and breastfeeding support and promotion
24 to”;

1 (4) in subsection (e)(2), in the second sentence,
2 by inserting “, including breastfeeding support and
3 education,” after “nutrition education”;

4 (5) in subsection (f)(6)(B), in the first sen-
5 tence, by inserting “and breastfeeding” after “nutri-
6 tion education”;

7 (6) in subsection (h)—

8 (A) in paragraph (4)—

9 (i) by striking “(4) The Secretary”
10 and all that follows through “(A) in con-
11 sultation” and inserting the following:

12 “(4) REQUIREMENTS.—

13 “(A) IN GENERAL.—The Secretary shall—

14 “(i) in consultation”;

15 (ii) by redesignating subparagraphs
16 (B) through (F) as clauses (ii) through
17 (vi), respectively, and indenting appro-
18 priately;

19 (iii) in clause (v) (as so redesignated),
20 by striking “and” at the end;

21 (iv) in clause (vi) (as so redesignated),
22 by striking “2010 initiative.” and inserting
23 “initiative; and”; and

24 (v) by adding at the end the following:

1 “(vii) annually compile and publish
2 breastfeeding performance measurements
3 based on program participant data on the
4 number of partially and fully breast-fed in-
5 fants, including breastfeeding performance
6 measurements for—

7 “(I) each State agency; and

8 “(II) each local agency;

9 “(viii) in accordance with subpara-
10 graph (B), implement a program to recog-
11 nize exemplary breastfeeding support prac-
12 tices at local agencies or clinics partici-
13 pating in the special supplemental nutri-
14 tion program established under this sec-
15 tion; and

16 “(ix) in accordance with subparagraph
17 (C), implement a program to provide per-
18 formance bonuses to State agencies.

19 “(B) EXEMPLARY BREASTFEEDING SUP-
20 PORT PRACTICES.—

21 “(i) IN GENERAL.—In evaluating ex-
22 emplary practices under subparagraph
23 (A)(viii), the Secretary shall consider—

24 “(I) performance measurements
25 of breastfeeding;

1 “(II) the effectiveness of a peer
2 counselor program;

3 “(III) the extent to which the
4 agency or clinic has partnered with
5 other entities to build a supportive
6 breastfeeding environment for women
7 participating in the program; and

8 “(IV) such other criteria as the
9 Secretary considers appropriate after
10 consultation with State and local pro-
11 gram agencies.

12 “(ii) AUTHORIZATION OF APPROPRIA-
13 TIONS.—There is authorized to be appro-
14 priated to carry out the activities described
15 in clause (viii) of subparagraph (A) such
16 sums as are necessary.

17 “(C) PERFORMANCE BONUSES.—

18 “(i) IN GENERAL.—Following the
19 publication of breastfeeding performance
20 measurements under subparagraph
21 (A)(vii), the Secretary shall provide per-
22 formance bonus payments to not more
23 than 20 State agencies that demonstrate,
24 as compared to other State agencies par-
25 ticipating in the program—

1 “(I) the highest proportion of
2 breast-fed infants; or

3 “(II) the greatest improvement in
4 proportion of breast-fed infants.

5 “(ii) CONSIDERATION.—In providing
6 performance bonus payments to State
7 agencies under this subparagraph, the Sec-
8 retary shall consider the proportion of fully
9 breast-fed infants in the States.

10 “(iii) USE OF FUNDS.—A State agen-
11 cy that receives a performance bonus
12 under clause (i)—

13 “(I) shall treat the funds as pro-
14 gram income; and

15 “(II) may transfer the funds to
16 local agencies for use in carrying out
17 the program.

18 “(iv) IMPLEMENTATION.—The Sec-
19 retary shall provide the first performance
20 bonuses not later than 1 year after the
21 date of enactment of this clause and may
22 subsequently revise the criteria for award-
23 ing performance bonuses; and”;

24 (B) by striking paragraph (10) and insert-
25 ing the following:

1 “(10) FUNDS FOR INFRASTRUCTURE, MANAGE-
2 MENT INFORMATION SYSTEMS, AND SPECIAL NUTRI-
3 TION EDUCATION.—

4 “(A) IN GENERAL.—For each of fiscal
5 years 2010 through 2015, the Secretary shall
6 use for the purposes specified in subparagraph
7 (B) \$139,000,000 (as adjusted annually for in-
8 flation by the same factor used to determine the
9 national average per participant grant for nutri-
10 tion services and administration for the fiscal
11 year under paragraph (1)(B)).

12 “(B) PURPOSES.—Subject to subpara-
13 graph (C), of the amount made available under
14 subparagraph (A) for a fiscal year—

15 “(i) \$14,000,000 shall be used for—

16 “(I) infrastructure for the pro-
17 gram under this section;

18 “(II) special projects to promote
19 breastfeeding, including projects to
20 assess the effectiveness of particular
21 breastfeeding promotion strategies;
22 and

23 “(III) special State projects of
24 regional or national significance to
25 improve the services of the program;

1 “(ii) \$35,000,000 shall be used to es-
2 tablish, improve, or administer manage-
3 ment information systems for the program,
4 including changes necessary to meet new
5 legislative or regulatory requirements of
6 the program, of which up to \$5,000,000
7 may be used for Federal administrative
8 costs for this section; and

9 “(iii) \$90,000,000 shall be used for
10 special nutrition education (such as
11 breastfeeding peer counselors and other re-
12 lated activities), of which not more than
13 \$10,000,000 of any funding provided in
14 excess of \$50,000,000 shall be used to
15 make performance bonus payments under
16 paragraph (4)(C).

17 “(C) ADJUSTMENT.—Each of the amounts
18 referred to in clauses (i), (ii), and (iii) of sub-
19 paragraph (B) shall be adjusted annually for
20 inflation by the same factor used to determine
21 the national average per participant grant for
22 nutrition services and administration for the
23 fiscal year under paragraph (1)(B).

24 “(D) PROPORTIONAL DISTRIBUTION.—The
25 Secretary shall distribute funds made available

1 under subparagraph (A) in accordance with the
2 proportional distribution described in subpara-
3 graphs (B) and (C).”; and

4 (7) in subsection (j), by striking “supplemental
5 foods and nutrition education” each place it appears
6 in paragraphs (1) and (2) and inserting “supple-
7 mental foods, nutrition education, and breastfeeding
8 support and promotion”.

9 **SEC. 232. REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.**

10 Section 17(f)(11)(D) of the Child Nutrition Act of
11 1966 (42 U.S.C. 1786(f)(11)(D)) is amended in the mat-
12 ter preceding clause (i) by inserting “but not less than
13 every 10 years,” after “scientific knowledge,”.

14 **Subtitle D—Miscellaneous**

15 **SEC. 242. PROCUREMENT TECHNICAL ASSISTANCE AND**
16 **GUIDANCE.**

17 Subsection (m) of section 12 of the Richard B. Rus-
18 sell National School Lunch Act (42 U.S.C. 1760(m)) is
19 amended to read as follows:

20 “(m) PROCUREMENT.—

21 “(1) IN GENERAL.—The Secretary shall provide
22 technical assistance, guidance, and training to State
23 agencies, local educational agencies, and school food
24 authorities for the procurement of goods and serv-
25 ices for programs under this Act and the Child Nu-

1 trition Act of 1966 (42 U.S.C. 1771 et seq.) (other
2 than section 17 of that Act (42 U.S.C. 1786)).

3 “(2) BUY AMERICAN TRAINING.—Activities car-
4 ried out under paragraph (1) shall include technical
5 assistance and training to ensure compliance with
6 subsection (n).

7 “(3) FOOD PROCUREMENT.—

8 “(A) SURVEY OF FOOD PRODUCT INFOR-
9 MATION.—

10 “(i) IN GENERAL.—The Secretary
11 shall assess the availability and quality of
12 food product information available to
13 school food authorities for foods most com-
14 monly offered in the school nutrition pro-
15 grams under this Act and the Child Nutri-
16 tion Act of 1966 (42 U.S.C. 1771 et seq.),
17 including commodity foods, commercial
18 foods, and foods procured directly from a
19 farm.

20 “(ii) SCOPE.—The scope of the as-
21 sessment should survey what type of food
22 product information school food authorities
23 have access to including—

24 “(I) nutritional information;

1 “(II) information on the food
2 safety standards that a food product
3 has met throughout production and
4 processing; and

5 “(III) any other food product in-
6 formation as determined by the Sec-
7 retary.

8 “(iii) PROCUREMENT SPECIFICA-
9 TIONS.—As part of the survey under this
10 subparagraph, the Secretary shall collect
11 best practices and models for food product
12 specifications, including nutrition and food
13 safety specifications, for foods (by type)
14 used in the school nutrition programs.

15 “(iv) REPORT.—Not later than 2
16 years after the date of the enactment of
17 the Improving Nutrition for America’s
18 Children Act, the Secretary shall submit to
19 the Committee on Education and Labor of
20 the House of Representatives and the
21 Committee on Agriculture, Nutrition, and
22 Forestry of the Senate a report on the re-
23 sults of the assessment and include such
24 legislative recommendations as the Sec-
25 retary considers necessary to ensure that

1 school food authorities have access to food
2 product information needed for compliance
3 with the requirements for the school nutri-
4 tion programs under this Act and the
5 Child Nutrition Act of 1966 (42 U.S.C.
6 1771 et seq.).

7 “(B) MODEL PROCUREMENT SPECIFICA-
8 TIONS.—Not later than 1 year after the comple-
9 tion of the survey under subparagraph (A), the
10 Secretary shall make available to State agencies
11 and school food authorities model product speci-
12 fications for foods most commonly offered in
13 school nutrition programs under this Act and
14 the Child Nutrition Act of 1966 (42 U.S.C.
15 1771 et seq.) that—

16 “(i) reflect the goals of the most re-
17 cent Dietary Guidelines for Americans
18 published under section 301 of the Na-
19 tional Nutrition Monitoring and Related
20 Research Act of 1990 (7 U.S.C. 5341);

21 “(ii) encourage the use of foods rec-
22 ommended by the most recent Dietary
23 Guidelines for Americans, including fruits,
24 vegetables, fat-free and reduced fat dairy
25 products, and whole grains;

1 “(iii) reflect best practices for safe
2 production, handling, and processing of
3 foods as determined by the Secretary; and

4 “(iv) any other specifications as deter-
5 mined by the Secretary.

6 “(4) FOODSERVICE MANAGEMENT PROCURE-
7 MENT.—Activities carried out under paragraph (1)
8 shall include model contract specifications and prac-
9 tices for procuring school food services for the provi-
10 sion of meals in compliance with the requirements
11 for administering the school nutrition programs
12 under this Act and the Child Nutrition Act of 1966
13 (42 U.S.C. 1771 et seq.).

14 “(5) FUNDING.—

15 “(A) MANDATORY FUNDING.—On October
16 1, 2010, out of any moneys in the Treasury not
17 otherwise appropriated, the Secretary of the
18 Treasury shall provide to the Secretary to carry
19 out this subsection \$4,000,000 to remain avail-
20 able until expended. The Secretary shall be en-
21 titled to receive the funds and shall accept the
22 funds, without further appropriation.

23 “(B) AUTHORIZATION OF APPROPRIA-
24 TIONS.—In addition to the amounts made avail-
25 able under subparagraph (A), there are author-

1 ized to be appropriated to carry out this sub-
2 section such sums as are necessary for each of
3 fiscal years 2011 through 2015.”.

4 **SEC. 243. RESEARCH ON STRATEGIES TO PROMOTE**
5 **HEALTHY EATING.**

6 (a) IN GENERAL.—The Secretary, in consultation
7 with the Secretary of Health and Human Services and the
8 Secretary of Education, shall establish a research, dem-
9 onstration, and technical assistance program to promote
10 healthy eating and prevent and reduce the prevalence of
11 obesity by applying the principles and insights of behav-
12 ioral economics research in schools, child care programs,
13 and other settings.

14 (b) PRIORITIES.—In carrying out the program under
15 subsection (a), the Secretary shall—

16 (1) identify and assess the impacts of specific
17 presentation, placement, and other strategies for
18 structuring choices on selection and consumption of
19 healthful foods in a variety of settings, consistent
20 with the most recent version of the Dietary Guide-
21 lines for Americans published under section 301 of
22 the National Nutrition Monitoring and Related Re-
23 search Act of 1990 (7 U.S.C. 5341);

24 (2) demonstrate and rigorously evaluate behav-
25 ioral economics-related interventions that hold prom-

1 ise to improve diets and promote health, including
2 through demonstration projects that may include
3 evaluation of the use of portion size, labeling, con-
4 venience, and other strategies to encourage healthy
5 choices; and

6 (3) encourage adoption of the most effective
7 strategies through outreach and technical assistance.

8 (c) AUTHORITY.—

9 (1) IN GENERAL.—In carrying out the program
10 under subsection (a), the Secretary may enter into
11 competitively awarded contracts or cooperative
12 agreements with, or provide grants to, States.

13 (2) AWARDS TO NONPROFITS.—A State award-
14 ed a contract or grant under paragraph (1), may
15 award such grant or contract to a public or private,
16 nonprofit agency or organization, as determined by
17 the Secretary.

18 (d) APPLICATION.—To be eligible to enter into a con-
19 tract or cooperative agreement or receive a grant under
20 this section, a State shall submit to the Secretary an appli-
21 cation at such time, in such manner, and containing such
22 information as the Secretary may require.

23 (e) COORDINATION.—The solicitation and evaluation
24 of contracts, cooperative agreements, and grant proposals
25 considered under this section shall be coordinated with the

1 Food and Nutrition Service, as appropriate, to ensure that
2 funded projects are consistent with the operations of fed-
3 erally supported nutrition assistance programs and related
4 laws.

5 (f) ANNUAL REPORTS.—Not later than 90 days after
6 the end of each fiscal year, the Secretary shall submit to
7 the Committee on Education and Labor of the House of
8 Representatives and the Committee on Agriculture, Nutri-
9 tion, and Forestry of the Senate a report that includes
10 a description of—

11 (1) the policies, priorities, and activities of the
12 program carried out by the Secretary under this sec-
13 tion during the fiscal year;

14 (2) the results of any evaluations completed
15 during the fiscal year; and

16 (3) the efforts undertaken to disseminate suc-
17 cessful practices through outreach and technical as-
18 sistance.

19 (g) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There are authorized to be
21 appropriated to carry out this section such sums as
22 are necessary for each of fiscal years 2011 through
23 2015.

24 (2) USE OF FUNDS.—The Secretary may use
25 up to 5 percent of the funds made available under

1 paragraph (1) for Federal administrative expenses
2 incurred in carrying out this section.

3 **SEC. 244. FOOD MARKETING STUDY.**

4 (a) STUDY AND REPORT ON FOOD MARKETING.—
5 From the amounts appropriated under subsection (g), the
6 Secretary, in consultation with the Secretary of Education
7 and the Secretary of Health and Human Services, shall
8 conduct a study on the extent and types of marketing of
9 foods and beverages in elementary schools and secondary
10 schools. In carrying out the study, the Secretary shall col-
11 laborate with, and include information from, the Division
12 of Adolescent and School Health of the Centers for Dis-
13 ease Control and Prevention.

14 (b) ASSESSMENT OF NUTRITION.—The study con-
15 ducted under subsection (a) shall assess the nutritional
16 quality of the types of foods and beverages marketed in
17 schools.

18 (c) ASSESSMENT OF MEDIA.—The study conducted
19 subsection (a) shall assess all media through which foods
20 and beverages are marketed to children in elementary
21 schools and secondary schools, including—

22 (1) brand and product logos, names, or infor-
23 mation on educational materials, book covers, school
24 supplies, posters, vending machine exteriors, score-

1 boards, displays, signs, equipment, buses, buildings,
2 and other school property;

3 (2) educational and other incentive programs;

4 (3) label redemption programs;

5 (4) in-school television, radio, and print publica-
6 tions;

7 (5) free samples and coupons;

8 (6) branded fundraising activities;

9 (7) taste-testing and other market research ac-
10 tivities; and

11 (8) incidental exposure to food and beverage
12 marketing through computer use, including com-
13 puter banner and wallpaper ads, or podcasts in
14 schools.

15 (d) EXAMINATION OF REGULATORY MECHANISMS.—

16 The study conducted under subsection (a) shall also exam-
17 ine mechanisms regulating marketing in elementary
18 schools and secondary schools, including—

19 (1) Federal, State, and local policies;

20 (2) contracts; and

21 (3) sales incentives.

22 (e) REPORT.—Not later than 1 year after the comple-
23 tion of the study conducted under subsection (a), the Sec-
24 retary shall submit to Congress a report on the results
25 of the study required by subsection (a).

1 (f) DEFINITIONS.—For purposes of this section, the
2 terms “elementary school” and “secondary school” have
3 the meanings given such terms in section 9101 of the Ele-
4 mentary and Secondary Education Act of 1965 (20 U.S.C.
5 7801).

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated \$1,000,000 to carry out
8 this section.

9 **SEC. 245. NATIONAL SCHOOL LUNCH PROGRAM EQUIP-**
10 **MENT ASSISTANCE GRANTS.**

11 (a) IN GENERAL.—From the funds made available
12 under subsection (f), the Secretary shall make payments
13 to State educational agencies to award grants to school
14 food authorities for the purchase of equipment for schools
15 under the jurisdiction of such authorities.

16 (b) ALLOCATION AND REALLOCATION.—

17 (1) ALLOCATION.—Payments under subsection
18 (a) shall be allocated to State educational agencies
19 in a manner proportional with each agency’s admin-
20 istrative expense allocation under section 7(a)(2) of
21 the Child Nutrition Act of 1966 (42 U.S.C.
22 1776(a)(2)).

23 (2) REALLOCATION.—If a State educational
24 agency does not accept or use the amounts made
25 available under its allocation in accordance with this

1 section, the Secretary shall reallocate such amounts
2 to other State educational agencies, as the Secretary
3 determines necessary.

4 (c) GRANTS TO SCHOOL FOOD AUTHORITIES.—

5 (1) IN GENERAL.—Not later than 180 days
6 after receiving an allocation under subsection (a), a
7 State educational agency shall award grants, on a
8 competitive basis, to school food authorities.

9 (2) APPLICATION.—To qualify to receive a
10 grant under this section, a school food authority
11 shall—

12 (A) submit an application to a State edu-
13 cational agency at such time, in such manner,
14 and containing such information as the State
15 educational agency may require; or

16 (B) have submitted an application to re-
17 ceive equipment assistance under the grant pro-
18 gram carried out under—

19 (i) the heading “Food and Nutrition
20 Service Child Nutrition Programs” in title
21 I of division A of the American Recovery
22 and Reinvestment Act of 2009 (Public
23 Law 111–5); or

24 (ii) section 748(j) of the Agriculture,
25 Rural Development, Food and Drug Ad-

1 ministration, and Related Agencies Appro-
2 priations Act, 2010 (Public Law 111–80;
3 123 Stat. 2134).

4 (3) PRIORITY.—In awarding grants to school
5 food authorities, a State shall give priority to school
6 food authorities whose applications demonstrate that
7 in providing equipment assistance to schools with
8 funds received under this section, such school food
9 authorities will give priority to schools—

10 (A) in which not less than 50 percent of
11 the enrolled students are certified as eligible for
12 free or reduced price meals under the Richard
13 B. Russell National School Lunch Act (42
14 U.S.C. 1751 et seq.) and section 4 of the Child
15 Nutrition Act of 1966 (42 U.S.C. 1773); and

16 (B) that did not benefit from equipment
17 assistance under the grant program carried out
18 under—

19 (i) the heading “Food and Nutrition
20 Service Child Nutrition Programs” in title
21 I of division A of the American Recovery
22 and Reinvestment Act of 2009 (Public
23 Law 111–5; 123 Stat. 119); or

24 (ii) section 748(j) of the Agriculture,
25 Rural Development, Food and Drug ad-

1 ministration, and Related Agencies Appro-
2 priations Act, 2010 (Public Law 111–80;
3 123 Stat. 2134).

4 (4) USES OF FUNDS.—Under the terms and
5 conditions established by the Secretary, a school
6 food authority receiving a grant under this section
7 shall use such funds to purchase equipment for
8 schools under the jurisdiction of the school food au-
9 thority—

10 (A) to improve the quality of food served
11 under the school meal programs established
12 under the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1751 et seq.) and the
14 Child Nutrition Act of 1966 (42 U.S.C. 1771 et
15 seq.), consistent with the goals of the most re-
16 cent Dietary Guidelines for Americans pub-
17 lished under section 301 of the National Nutri-
18 tion Monitoring and Related Research Act of
19 1990 (7 U.S.C. 5341);

20 (B) to improve the safety of food served
21 under the school meal programs;

22 (C) to improve the overall energy efficiency
23 of school food service operations; or

24 (D) for other purposes as established by
25 the Secretary.

1 (d) ADMINISTRATIVE COSTS.—A State educational
2 agency receiving an allocation under this section may not
3 use more than 5 percent of such allocation for administra-
4 tive costs associated with awarding grants to eligible
5 school food authorities in accordance with this section.

6 (e) EQUIPMENT DEFINED.—For purposes of this sec-
7 tion, the term “equipment” includes cold or hot storage
8 equipment (such as a salad bar) purchased to facilitate
9 and promote increased accessibility and consumption of
10 fresh fruits and vegetables to students.

11 (f) FUNDING.—There are authorized to be appro-
12 priated to carry out this section such sums as may be nec-
13 essary for each of fiscal years 2011 through 2015.

14 **SEC. 246. GREEN CAFETERIAS PILOT PROGRAM.**

15 (a) ESTABLISHMENT OF THE PROGRAM.—From the
16 amounts appropriated to carry out this section under sub-
17 section (e), the Secretary of Agriculture, in consultation
18 with the Administrator of the Environmental Protection
19 Agency, shall establish the green cafeterias pilot program
20 in accordance with this section to provide competitive
21 grants to State agencies to award subgrants to school food
22 authorities for green cafeterias in the elementary schools
23 and secondary schools under the jurisdiction of such
24 school food authorities.

25 (b) APPLICATIONS.—

1 (1) GRANTS.—In order to receive a grant under
2 this section, a State agency shall submit an applica-
3 tion at such time, in such manner, and accompanied
4 by such information as the Secretary may require,
5 including—

6 (A) a description of the schools in which
7 the environmental improvements described in
8 subsection (c)(2) will be made using the grant
9 funds;

10 (B) a proposed work plan for making the
11 environmental improvements, including a de-
12 scription of the uses of funds;

13 (C) an assessment of the expected environ-
14 mental, economic, and educational benefits of
15 the environmental improvements;

16 (D) a cost estimate of the proposed uses of
17 funds; and

18 (E) the proposed use of private financing
19 for such environmental improvements.

20 (2) SUBGRANTS.—In order to receive a
21 subgrant under this section, a school food authority
22 shall submit an application to the appropriate State
23 agency at such time, in such manner, and containing
24 such information as the State agency may require.

25 (c) USES OF FUNDS.—

1 (1) GRANTS.—A State agency receiving a grant
2 under this Act shall use such grant funds to award
3 subgrants to school food authorities.

4 (2) SUBGRANTS.—

5 (A) IN GENERAL.—A school food authority
6 receiving a subgrant under this section shall use
7 the subgrant funds to carry out at least 2 of
8 the allowable uses described in subparagraph
9 (B) in the cafeterias of elementary schools and
10 secondary schools within the jurisdiction of the
11 authority.

12 (B) ALLOWABLE USES.—The allowable
13 uses described in this paragraph are as follows:

14 (i) Procurement of environmentally
15 preferable products, such as recycled con-
16 tent, energy efficient, or biobased products.

17 (ii) Recycling activities, such as—

18 (I) fat, oil, and grease recycling;

19 (II) collection, separation, and
20 processing of postconsumer waste; or

21 (III) composting.

22 (iii) Purchasing energy or water effi-
23 cient appliances and products that meet
24 Energy Star, WaterSense guidelines, or the
25 equivalent where these labels do not exist.

1 (d) EVALUATION.—Not later than 1 year after the
2 date of enactment this section, the Secretary shall evaluate
3 the pilot program conducted under this section to assess—

4 (1) the types of activities carried out by school
5 food authorities receiving subgrants under this sec-
6 tion;

7 (2) the immediate costs or savings, including
8 any projected costs or savings, of the green cafeteria
9 efforts carried out by such school food authorities;

10 (3) the environmental benefits associated with
11 the green cafeteria efforts; and

12 (4) any other factors and outcomes associated
13 with carrying out the green cafeteria efforts, as de-
14 termined by the Secretary.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 such sums as may be necessary for each of fiscal years
18 2011 through 2015.

19 (f) DEFINITIONS.—In this section:

20 (1) ELEMENTARY SCHOOL; SECONDARY
21 SCHOOL.—The terms “elementary school” and “sec-
22 ondary school” have the meanings given such terms
23 in section 9101 of the Elementary and Secondary
24 Education Act of 1965 (20 U.S.C. 7801).

1 (2) ENVIRONMENTALLY PREFERABLE.—The
2 term “environmentally preferable” means products
3 or services that have a lesser or reduced effect on
4 human health and the environment as compared to
5 competing products or services that serve the same
6 purpose. The product or service comparison may
7 consider raw materials acquisition, production, man-
8 ufacturing, packaging, distribution, reuse, mainte-
9 nance, or disposal.

10 **SEC. 247. PARTNERSHIPS FOR WELLNESS GRANTS.**

11 (a) IN GENERAL.—From the amounts appropriated
12 under subsection (i), the Secretary of Agriculture shall
13 award grants, on a competitive basis, to State agencies
14 to award subgrants to eligible entities for projects that le-
15 verage community resources and support student access
16 to physical activity, nutrition education, and nutritious
17 foods during the regular school calendar.

18 (b) APPLICATION.—

19 (1) IN GENERAL.—Each State agency that de-
20 sires to receive a grant under this section shall sub-
21 mit an application to the Secretary at such time, in
22 such manner, and containing such information with
23 respect to each eligible entity that may receive a
24 subgrant from the State agency under this section

1 as the Secretary may reasonably require, includ-
2 ing—

3 (A) a community-involvement plan de-
4 scribed in paragraph (2);

5 (B) a description of the partners of the eli-
6 gible entity that will be involved in the imple-
7 mentation of the community-involvement plan;

8 (C) a description of the roles that will be
9 played by each partner of the eligible entity in
10 the implementation of the community-involvement
11 plan, including a description of the serv-
12 ices that will be provided by each partner of the
13 eligible entity; and

14 (D) a description of how funds received
15 under this section will be integrated with other
16 Federal, State, and local funds to maximize
17 services and opportunities for students, their
18 families, and the community to be served by the
19 eligible entity, including a description of how
20 funds received under this section will be distrib-
21 uted and utilized.

22 (2) COMMUNITY-INVOLVEMENT PLAN.—

23 (A) IN GENERAL.—To be eligible to receive
24 a grant under this section, an eligible entity
25 shall develop and submit to the appropriate

1 State agency a community-involvement plan for
2 leveraging resources, services, and opportunities
3 available within the community to be served by
4 the eligible entity in order to increase, during
5 the regular school calendar, student access to
6 physical activity, and nutrition education, and
7 nutritious foods.

8 (B) REQUIREMENTS.—A community-in-
9 volvement plan described in subparagraph (A)
10 shall include—

11 (i) a needs assessment based on
12 guidelines established by the Secretary
13 that describes the need for access to phys-
14 ical activity, nutrition education, and nutri-
15 tious foods, during the regular school cal-
16 endar, of students served by the local edu-
17 cational agency that is partner of the eligi-
18 ble entity;

19 (ii) a description of the potential re-
20 sources, services, and opportunities avail-
21 able within the community to be served by
22 the eligible entity, or available near the
23 community, that the students, the families
24 of such students, and individuals in the

1 community may be able to access to meet
2 the needs identified under clause (i);

3 (iii) a description of the role of each
4 of the partners of the eligible entity in pro-
5 viding services described in subsection (c)
6 to the students and families of the stu-
7 dents;

8 (iv) a strategy for linking students
9 and the parents and families of the stu-
10 dents with the opportunities for services
11 available through the eligible entity; and

12 (v) a strategy for evaluating the im-
13 pact of services that will be provided to
14 students and their families through the eli-
15 gible entity, including—

16 (I) a description of the resources,
17 supports, and opportunities that will
18 be leveraged from the community to
19 provide such services;

20 (II) a description of how progress
21 in increasing student access to phys-
22 ical activity, nutrition education, and
23 nutritious food will be measured;

24 (III) a description of how the im-
25 pact of increasing student access to

1 physical activity, nutrition education,
2 and nutritious food will be measured;
3 and

4 (IV) a description of the strategy
5 for helping children to understand the
6 importance and benefits of healthy
7 lifestyles and develop and sustain
8 healthy eating and physical activity
9 behaviors.

10 (c) USES OF FUNDS.—An eligible entity receiving a
11 subgrant under this section shall use the funds to carry
12 out 1 or more of the following services:

13 (1) Increasing, during the regular school cal-
14 endar, student access to physical activity, including
15 through short bouts of physical activity in the class-
16 room and structured physical activities that are
17 taught and led by trained adults during recess.

18 (2) Increasing, during the regular school cal-
19 endar, student access to nutrition education, includ-
20 ing nutrition education provided through the com-
21 munity by local nutritionists, or other health care
22 providers.

23 (3) Increasing, during the regular school cal-
24 endar, student access to nutritious foods, including

1 through food demonstrations with local chefs and
2 restaurants.

3 (d) MATCHING REQUIREMENT.—To be eligible to re-
4 ceive a subgrant under this section, an eligible entity shall
5 agree to provide non-Federal contributions in an amount
6 equal to not less than 50 percent of the amount of Federal
7 funds provided under the subgrant.

8 (e) DURATION.—A grant under this section shall be
9 awarded for a period of not more than 3 years.

10 (f) SUPPLEMENT, NOT SUPPLANT.—Funds made
11 available under this section shall be used to supplement,
12 and not supplant, any other Federal, State, or local funds
13 that would otherwise be available to carry out the services
14 assisted under this section.

15 (g) REPORTING.—Each State agency that receives a
16 grant under this section shall, on an annual basis during
17 each year of the grant period, report to the Secretary on—

18 (1) the number and type of, and the roles
19 played by, partners of the eligible entity involved in
20 the development and implementation of the entity's
21 community-involvement plan described in subsection

22 (b)(2);

23 (2) the services coordinated or provided under
24 the community-involvement plan; and

1 (3) a description of the degree to which the eli-
2 gible entity has made progress in increasing student
3 access to physical activity, nutrition education, and
4 nutritious foods as a result of the services provided
5 under the community-involvement plan.

6 (h) DEFINITIONS.—For purposes of this section:

7 (1) CHILD-AND-YOUTH-SERVING ORGANIZA-
8 TION.—The term “child-and-youth-serving organiza-
9 tion” means a public or private organization with a
10 primary focus on providing to children and youth,
11 youth development programs, or health, fitness, edu-
12 cation, child welfare, psychological, parenting, or
13 recreation services.

14 (2) COMMUNITY-BASED ORGANIZATION.—The
15 term “community-based organization” means a pub-
16 lic or private nonprofit organization of demonstrated
17 effectiveness that—

18 (A) is representative of a community or
19 significant segments of a community; and

20 (B) provides nutrition, nutrition education,
21 or physical fitness services, or other related
22 services to individuals in the community.

23 (3) DURING THE REGULAR SCHOOL CAL-
24 ENDAR.—The phrase “during the regular school cal-

1 endar” refers to a period during the regular school
2 calendar during school hours.

3 (4) ELIGIBLE ENTITY.—

4 (A) IN GENERAL.—The term “eligible enti-
5 ty” means a local educational agency partici-
6 pating in the lunch program under the Richard
7 B. Russell National School Lunch Act and the
8 breakfast program under section 4 of the Child
9 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)
10 that has established a partnership with 1 or
11 more nonprofit entities described in subpara-
12 graph (B).

13 (B) NONPROFIT ENTITIES.—The entities
14 described in this subparagraph are as follows:

15 (i) A community-based organization.

16 (ii) A child-and-youth-serving organi-
17 zation or agency.

18 (iii) An institution of higher edu-
19 cation.

20 (iv) A hospital or health care provider.

21 (v) Other business or community part-
22 ner.

23 (5) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the

1 meaning given the term in section 102 of the Higher
2 Education Act of 1965 (20 U.S.C. 1002).

3 (i) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 such sums as may be necessary for each of fiscal years
6 2011 through 2015.

7 **TITLE III—IMPROVING THE MAN-**
8 **AGEMENT AND INTEGRITY OF**
9 **CHILD NUTRITION PRO-**
10 **GRAMS**

11 **Subtitle A—National School Lunch**
12 **Program**

13 **SEC. 301. INDIRECT COSTS.**

14 (a) GUIDANCE ON INDIRECT COSTS RULES.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary shall issue guidance to school food authorities
18 participating in the school lunch program established
19 under the Richard B. Russell National School Lunch
20 Act (42 U.S.C. 1751 et seq.) and the school break-
21 fast program established under section 4 of the
22 Child Nutrition Act of 1966 (42 U.S.C. 1773) cov-
23 ering program rules pertaining to allowable costs
24 that may be charged to the nonprofit school food

1 service accounts, including indirect costs and direct
2 costs.

3 (2) EFFECTIVE DATE.—The guidance issued
4 under paragraph (1) shall take effect on July 1,
5 2011.

6 (b) INDIRECT AND DIRECT COSTS STUDY.—The Sec-
7 retary shall—

8 (1) conduct a study to assess the extent to
9 which school food authorities participating in the
10 school lunch program established under the Richard
11 B. Russell National School Lunch Act (42 U.S.C.
12 1751 et seq.) and the school breakfast program es-
13 tablished by section 4 of the Child Nutrition Act of
14 1966 (42 U.S.C. 1773) pay indirect and direct costs,
15 including assessments of—

16 (A) the allocation of indirect and direct
17 costs to such school food authorities;

18 (B) the methodologies used to establish in-
19 direct cost rates for such school food authori-
20 ties;

21 (C) the types and amounts of indirect costs
22 charged and recovered by local educational
23 agencies;

1 (D) the impact of indirect costs charged to
2 the nonprofit school food service account of
3 such school food authorities;

4 (E) whether the indirect and direct costs
5 charged or recovered are consistent with re-
6 quirements for the allocation of costs and
7 school food service operations; and

8 (F) the types and amounts of indirect and
9 direct costs that could be charged or recovered
10 under requirements for the allocation of costs
11 and school food service operations but are not
12 charged or recovered; and

13 (2) after completing the study required under
14 paragraph (1), issue additional guidance relating to
15 the types of costs that are reasonable and necessary
16 to provide meals under the Richard B. Russell Na-
17 tional School Lunch Act (42 U.S.C. 1751 et seq.)
18 and the Child Nutrition Act of 1966 (42 U.S.C.
19 1771 et seq.).

20 (c) REGULATIONS.—After conducting the study
21 under subsection (b)(1) and identifying costs under sub-
22 section (b)(2), the Secretary may promulgate regulations
23 to address—

24 (1) any identified deficiencies in the allocation
25 of indirect and direct costs charged to school food

1 authorities participating in the lunch program under
2 the Richard B. Russell National School Lunch Act
3 (42 U.S.C. 1751 et seq.) and the breakfast program
4 under the Child Nutrition Act of 1966 (42 U.S.C.
5 1773); and

6 (2) the authority of school food authorities to
7 reimburse only those costs identified by the Sec-
8 retary as reasonable and necessary under subsection
9 (b)(2).

10 (d) REPORT.—Not later than October 1, 2013, the
11 Secretary shall submit to the Committee on Education and
12 Labor of the House of Representatives and the Committee
13 on Agriculture, Nutrition, and Forestry of the Senate a
14 report that describes the results of the study under sub-
15 section (b).

16 (e) FUNDING.—

17 (1) IN GENERAL.—On October 1, 2010, out of
18 any funds in the Treasury not otherwise appro-
19 priated, the Secretary of the Treasury shall transfer
20 to the Secretary to carry out this section
21 \$2,000,000, to remain available until expended.

22 (2) RECEIPT AND ACCEPTANCE.—The Sec-
23 retary shall be entitled to receive, shall accept, and
24 shall use to carry out this section the funds trans-

1 ferred under paragraph (1), without further appro-
2 piation.

3 **SEC. 302. REVENUE FROM NONPROGRAM FOODS SOLD IN**
4 **SCHOOLS.**

5 (a) AMENDMENT.—Section 12 of the Richard B.
6 Russell National School Lunch Act (42 U.S.C. 1760) is
7 further amended by adding at the end the following:

8 “(p) NONPROGRAM FOOD SALES.—

9 “(1) DEFINITION OF NONPROGRAM FOOD.—In
10 this subsection:

11 “(A) IN GENERAL.—The term ‘nonpro-
12 gram food’ means food that is—

13 “(i) sold in a participating school
14 other than a reimbursable meal provided
15 under this Act or the Child Nutrition Act
16 of 1966 (42 U.S.C. 1771 et seq.); and

17 “(ii) purchased using funds from the
18 nonprofit school food service account of the
19 school food authority of the school.

20 “(B) INCLUSION.—The term ‘nonprogram
21 food’ includes food that is sold in competition
22 with a program established under this Act or
23 the Child Nutrition Act of 1966 (42 U.S.C.
24 1771 et seq.).

25 “(2) REVENUES.—

1 “(A) IN GENERAL.—The proportion of
2 total school food service revenue provided by the
3 sale of nonprogram foods to the total revenue
4 of the school food service account shall be equal
5 to or greater than the proportion of total food
6 costs associated with obtaining nonprogram
7 foods to the total costs associated with obtain-
8 ing program and nonprogram foods from the
9 account.

10 “(B) ACCRUAL.—All revenue from the sale
11 of nonprogram foods shall accrue to the non-
12 profit school food service account of a partici-
13 pating school food authority.

14 “(3) REPORT.—Not later than 4 years after the
15 date of the enactment of this subsection, the Sec-
16 retary shall submit to the Committee on Education
17 and Labor of the House of Representatives and the
18 Committee on Agriculture, Nutrition, and Forestry
19 of the Senate a report describing the impact of im-
20 plementation of this subsection on financial account-
21 ing processes and procedures, the nonprofit school
22 food service account, and school food service oper-
23 ations.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall take effect on July 1, 2011.

1 **SEC. 303. REPORTING AND NOTIFICATION OF SCHOOL PER-**
2 **FORMANCE.**

3 Section 22 of the Richard B. Russell National School
4 Lunch Act (42 U.S.C. 1769c) is amended—

5 (1) by striking subsection (a) and inserting the
6 following:

7 “(a) UNIFIED ACCOUNTABILITY SYSTEM.—

8 “(1) IN GENERAL.—There shall be a unified
9 system prescribed and administered by the Secretary
10 to ensure that local food service authorities partici-
11 pating in the school lunch program established
12 under this Act and the school breakfast program es-
13 tablished by section 4 of the Child Nutrition Act of
14 1966 (42 U.S.C. 1773) comply with those Acts, in-
15 cluding compliance with—

16 “(A) the nutritional requirements of sec-
17 tion 9(f) of this Act for school lunches; and

18 “(B) as applicable, the nutritional require-
19 ments for school breakfasts under section
20 4(e)(1) of the Child Nutrition Act of 1966 (42
21 U.S.C. 1773(e)(1)).”; and

22 (2) in subsection (b)(1), by striking subpara-
23 graphs (A) and (B) and inserting the following:

24 “(A) require that local food service au-
25 thorities comply with the nutritional require-

1 ments described in subparagraphs (A) and (B)
2 of paragraph (1);

3 “(B) to the maximum extent practicable,
4 ensure compliance through reasonable audits
5 and supervisory assistance reviews;

6 “(C) in conducting audits and reviews for
7 the purpose of determining compliance with this
8 Act, including the nutritional requirements of
9 section 9(f)—

10 “(i) conduct audits and reviews dur-
11 ing a 3-year cycle or other period pre-
12 scribed by the Secretary;

13 “(ii) select schools for review in each
14 local educational agency using criteria es-
15 tablished by the Secretary;

16 “(iii) report the final results of the re-
17 views to the public in the State in an ac-
18 cessible, easily understood manner in ac-
19 cordance with guidelines promulgated by
20 the Secretary; and

21 “(iv) submit to the Secretary each
22 year a report containing the results of the
23 reviews in accordance with procedures de-
24 veloped by the Secretary; and

1 “(D) when any local food service authority
2 is reviewed under this section, ensure that the
3 final results of the review by the State edu-
4 cational agency are posted and otherwise made
5 available to the public on request in an acces-
6 sible, easily understood manner in accordance
7 with guidelines promulgated by the Secretary.”.

8 **SEC. 304. COMPLIANCE AND ACCOUNTABILITY STUDY.**

9 (a) IN GENERAL.—The Secretary of Agriculture shall
10 conduct a study to—

11 (1) assess the effectiveness and efficiency of ad-
12 ministrative review systems to ensure—

13 (A) each local educational agency partici-
14 pating in the school lunch program established
15 under the Richard B. Russell National School
16 Lunch Act (42 U.S.C. 1751 et seq.) complies
17 with the provisions of such Act, including the
18 provisions with respect to nutrition, eligibility,
19 meal counts, and claims for reimbursement;

20 (B) each local educational agency partici-
21 pating in the school breakfast program estab-
22 lished under section 4 of the Child Nutrition
23 Act of 1966 (42 U.S.C. 1773) complies with the
24 provisions of such Act, including the provisions

1 with respect to nutrition, eligibility, meal
2 counts, and claims for reimbursement; and

3 (C) each local educational agency described
4 in subparagraphs (A) and (B) is accountable
5 for the compliance described in such subpara-
6 graphs;

7 (2) design and test alternative processes and
8 procedures that may improve the effectiveness and
9 efficiency of the administrative review systems de-
10 scribed in paragraph (1), and determine the optimal
11 frequency for carrying out reviews under such sys-
12 tems; and

13 (3) identify any alternative processes and proce-
14 dures for establishing a more effective and efficient
15 administrative review system that—

16 (A) reflect the results of tests of alter-
17 native processes and procedures conducted pur-
18 suant to paragraph (2); and

19 (B) consider the practicality of imple-
20 menting such alternative processes and proce-
21 dures, including the cost and burden of imple-
22 mentation that would be imposed on school food
23 authorities, local educational agencies, and
24 State educational agencies.

1 (b) REPORT.—Not later than 3 years after the date
2 of the enactment of this Act, the Secretary of Agriculture
3 shall submit to the Committee on Education and Labor
4 of the House of Representatives and the Committee on
5 Agriculture, Nutrition, and Forestry of the Senate, a re-
6 port that describes the results and recommendations of the
7 study conducted pursuant to subsection (a).

8 (c) REGULATIONS.—The Secretary of Agriculture
9 may prescribe regulations as may be necessary to imple-
10 ment the processes or procedures identified pursuant to
11 subsection (a)(3) for establishing an effective and efficient
12 administrative review system.

13 (d) FUNDING.—

14 (1) IN GENERAL.—Upon the date of the enact-
15 ment of this Act, out of any funds in the Treasury
16 not otherwise appropriated, the Secretary of the
17 Treasury shall transfer to the Secretary of Agri-
18 culture \$3,000,000 to carry out this section, to re-
19 main available until expended.

20 (2) RECEIPT AND ACCEPTANCE.—The Sec-
21 retary of Agriculture shall be entitled to receive,
22 shall accept, and shall use to carry out this section
23 the funds transferred under paragraph (1), without
24 further appropriation.

1 **SEC. 305. APPLICABILITY OF FOOD SAFETY PROGRAM ON**
2 **ENTIRE SCHOOL CAMPUS.**

3 Section 9(h) of the Richard B. Russell National
4 School Lunch Act (42 U.S.C. 1758(h)) is amended—

5 (1) in paragraph (1), by amending subpara-
6 graph (B) to read as follows:

7 “(B) post a report on the most recent in-
8 spection conducted under subparagraph (A)
9 in—

10 “(i) a publicly visible location in the
11 school food service area; and

12 “(ii) a publicly accessible location on
13 the Internet website of the local edu-
14 cational agency.”;

15 (2) in paragraph (5)—

16 (A) by striking “Each school authority”
17 and inserting the following:

18 “(A) IN GENERAL.—Each school food au-
19 thority”; and

20 (B) by adding at the end the following:

21 “(B) APPLICABILITY.—The school food
22 safety program described in subparagraph (A)
23 shall apply to any facility or part of a facility
24 on a school campus where food is stored, pre-
25 pared, and served for the purposes of the school
26 nutrition programs under this Act and the

1 school breakfast program under section 4 of the
2 Child Nutrition Act of 1966 (42 U.S.C.
3 1773).”; and

4 (3) by adding at the end the following:

5 “(6) TRAINING REQUIREMENT.—

6 “(A) IN GENERAL.—Each school food au-
7 thority participating in a program under this
8 Act shall ensure that all school food service
9 workers employed by the authority shall—

10 “(i) have access to appropriate train-
11 ing under a qualified training program, as
12 described in subparagraph (B), on safe
13 handling, preparation, and delivery of food
14 to children participating in the school meal
15 programs; and

16 “(ii) comply with a performance
17 standard for safe food handling, deter-
18 mined by the Secretary that is consistent
19 with nationally recognized standards appli-
20 cable to the preparation and delivery of
21 meals served to children in a school envi-
22 ronment.

23 “(B) QUALIFIED TRAINING PROGRAM.—

24 School foodservice workers shall have access to

1 comprehensive food safety training programs
2 that, at a minimum, shall—

3 “(i) be based on the Hazard Analysis
4 Critical Control Point principles estab-
5 lished by the Secretary; and

6 “(ii) include training related to—

7 “(I) personal hygiene and patho-
8 gens, including characteristics of ill-
9 ness (including foodborne illnesses);

10 “(II) safe food service operations,
11 including kitchen sanitation and
12 equipment maintenance;

13 “(III) safe food handling, prepa-
14 ration, and delivery, including storage,
15 thawing, prepping, cooking, cooling,
16 and reheating practices for all forms
17 of food; and

18 “(IV) other such topics deter-
19 mined by the Secretary.”.

20 **SEC. 306. ENSURING SAFETY OF SCHOOL MEALS.**

21 The Richard B. Russell National School Lunch Act
22 is amended by inserting after section 28 (42 U.S.C. 1769i)
23 the following:

1 **“SEC. 29. ENSURING SAFETY OF SCHOOL MEALS.**

2 “Not later than 1 year after the date of enactment
3 of the Improving Nutrition for America’s Children Act,
4 the Secretary, acting through the Administrator of the
5 Food and Nutrition Service, shall—

6 “(1) in consultation with the Administrator of
7 the Agricultural Marketing Service and the Adminis-
8 trator of the Farm Service Agency, develop guide-
9 lines to determine the circumstances under which it
10 is appropriate for the Secretary to institute an ad-
11 ministrative hold on suspect foods purchased by the
12 Secretary that are being used in school meal pro-
13 grams under this Act and the Child Nutrition Act
14 of 1966 (42 U.S.C. 1771 et seq.);

15 “(2) work with States to explore ways for the
16 States to increase the timeliness of notification of
17 food recalls to schools and school food authorities;

18 “(3) improve the timeliness and completeness of
19 direct communication between the Food and Nutri-
20 tion Service and States about holds and recalls; and

21 “(4) establish a timeframe to improve the com-
22 modity hold and recall procedures of the Department
23 of Agriculture to address the role of processors and
24 determine the involvement of distributors with proc-
25 essed products that may contain recalled ingredients,

1 to facilitate the provision of more timely and com-
2 plete information to schools.”.

3 **SEC. 307. INFORMATION ON COMMODITY FOOD SUPPLIERS.**

4 Section 6 of the Richard B. Russell National School
5 Lunch Act (42 U.S.C. 1755) is amended by adding at the
6 end the following:

7 “(f) COMMODITY FOOD VENDORS.—The Secretary
8 shall make available to State agencies, school food authori-
9 ties, and the public on the website maintained by the Sec-
10 retary—

11 “(1) a current listing of vendors that supply
12 commodity foods for use in the school nutrition pro-
13 grams under this Act and the Child Nutrition Act
14 of 1966 (42 U.S.C. 1771 et seq.);

15 “(2) information on the commodity food sup-
16 plied by each such vendor; and

17 “(3) any other information related to each such
18 vendor, as determined by the Secretary.”.

19 **SEC. 308. PRIVACY PROTECTION.**

20 Section 9(d)(1) of the Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1758(d)(1)) is amended—

22 (1) in the first sentence, by inserting “the last
23 4 digits of” before “the social security account num-
24 ber”; and

25 (2) by striking the second sentence.

1 **SEC. 309. FINES FOR VIOLATING PROGRAM REQUIRE-**
2 **MENTS.**

3 Section 22 of the Richard B. Russell National School
4 Lunch Act (42 U.S.C. 1769c) is amended by adding at
5 the end the following:

6 “(e) FINES FOR VIOLATING PROGRAM REQUIRE-
7 MENTS.—

8 “(1) SCHOOL FOOD AUTHORITIES AND
9 SCHOOLS.—

10 “(A) IN GENERAL.—The Secretary shall
11 establish criteria by which the Secretary or a
12 State agency may impose a fine against any
13 school food authority or school administering a
14 program authorized under this Act or the Child
15 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)
16 if the Secretary or the State agency determines
17 that the school food authority or school has—

18 “(i) failed to correct severe mis-
19 management of the program;

20 “(ii) disregarded a program require-
21 ment of which the school food authority or
22 school had been informed; or

23 “(iii) failed to correct repeated viola-
24 tions of program requirements.

25 “(B) LIMITS.—

1 “(i) IN GENERAL.—In calculating the
2 fine for a school food authority or school,
3 the Secretary shall base the amount of the
4 fine on the reimbursement earned by
5 school food authority or school for the pro-
6 gram in which the violation occurred.

7 “(ii) AMOUNT.—The amount under
8 clause (i) shall not exceed—

9 “(I) 1 percent of the amount of
10 meal reimbursements earned for the
11 fiscal year for the first finding of 1 or
12 more program violations under sub-
13 paragraph (A);

14 “(II) 5 percent of the amount of
15 meal reimbursements earned for the
16 fiscal year for the second finding of 1
17 or more program violations under sub-
18 paragraph (A); and

19 “(III) 10 percent of the amount
20 of meal reimbursements earned for
21 the fiscal year for the third or subse-
22 quent finding of 1 or more program
23 violations under subparagraph (A).

24 “(2) STATE AGENCIES.—

1 “(A) IN GENERAL.—The Secretary shall
2 establish criteria by which the Secretary may
3 impose a fine against any State agency admin-
4 istering a program authorized under this Act or
5 the Child Nutrition Act of 1966 (42 U.S.C.
6 1771 et seq.) if the Secretary determines that
7 the State agency has—

8 “(i) failed to correct severe mis-
9 management of the program;

10 “(ii) disregarded a program require-
11 ment of which the State had been in-
12 formed; or

13 “(iii) failed to correct repeated viola-
14 tions of program requirements.

15 “(B) LIMITS.—In the case of a State agen-
16 cy, the amount of a fine under subparagraph
17 (A) shall not exceed—

18 “(i) 1 percent of funds made available
19 under section 7(a) of the Child Nutrition
20 Act of 1966 (42 U.S.C. 1776(a)) for State
21 administrative expenses during a fiscal
22 year for the first finding of 1 or more pro-
23 gram violations under subparagraph (A);

24 “(ii) 5 percent of funds made avail-
25 able under section 7(a) of the Child Nutri-

1 tion Act of 1966 (42 U.S.C. 1776(a)) for
2 State administrative expenses during a fis-
3 cal year for the second finding of 1 or
4 more program violations under subpara-
5 graph (A); and

6 “(iii) 10 percent of funds made avail-
7 able under section 7(a) of the Child Nutri-
8 tion Act of 1966 (42 U.S.C. 1776(a)) for
9 State administrative expenses during a fis-
10 cal year for the third or subsequent finding
11 of 1 or more program violations under sub-
12 paragraph (A).

13 “(3) SOURCE OF FUNDING.—Funds to pay a
14 fine imposed under paragraph (1) or (2) shall be de-
15 rived from non-Federal sources.”.

16 **SEC. 310. INDEPENDENT REVIEW OF APPLICATIONS.**

17 Section 22(b) of the Richard B. Russell National
18 School Lunch Act (42 U.S.C. 1769c(b)) is amended by
19 adding at the end the following:

20 “(6) ELIGIBILITY DETERMINATION REVIEW FOR
21 SELECTED LOCAL EDUCATIONAL AGENCIES.—

22 “(A) IN GENERAL.—A local educational
23 agency that has demonstrated a high level of, or
24 a high risk for, administrative error associated
25 with certification, verification, and other admin-

1 istrative processes, as determined by the Sec-
2 retary, shall ensure that the initial eligibility de-
3 termination for each application is reviewed for
4 accuracy prior to notifying a household of the
5 eligibility or ineligibility of the household for
6 free or reduced price meals.

7 “(B) TIMELINESS.—The review of initial
8 eligibility determinations—

9 “(i) shall be completed in a timely
10 manner; and

11 “(ii) shall not result in the delay of an
12 eligibility determination for more than 10
13 operating days after the date on which the
14 application is submitted.

15 “(C) ACCEPTABLE TYPES OF REVIEW.—
16 Subject to standards established by the Sec-
17 retary, the system used to review eligibility de-
18 terminations for accuracy shall be conducted by
19 an individual or entity that did not make the
20 initial eligibility determination.

21 “(D) NOTIFICATION OF HOUSEHOLD.—
22 Once the review of an eligibility determination
23 has been completed under this paragraph, the
24 household shall be notified immediately of the

1 determination of eligibility or ineligibility for
2 free or reduced price meals.

3 “(E) REPORTING.—

4 “(i) LOCAL EDUCATIONAL AGEN-
5 CIES.—In accordance with procedures es-
6 tablished by the Secretary, each local edu-
7 cational agency required to review initial
8 eligibility determinations shall submit to
9 the relevant State agency a report describ-
10 ing the results of the reviews, including—

11 “(I) the number and percentage
12 of reviewed applications for which the
13 eligibility determination was changed
14 and the type of change made; and

15 “(II) such other information as
16 the Secretary determines to be nec-
17 essary.

18 “(ii) STATE AGENCIES.—In accord-
19 ance with procedures established by the
20 Secretary, each State agency shall submit
21 to the Secretary a report describing the re-
22 sults of the reviews of initial eligibility de-
23 terminations, including—

24 “(I) the number and percentage
25 of reviewed applications for which the

1 eligibility determination was changed
2 and the type of change made; and

3 “(II) such other information as
4 the Secretary determines to be nec-
5 essary.

6 “(iii) **TRANSPARENCY.**—The Sec-
7 retary shall publish annually the results of
8 the reviews of initial eligibility determina-
9 tions by State, number, percentage, and
10 type of error.”.

11 **SEC. 311. PROGRAM EVALUATION.**

12 Section 28 of the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1769i) is amended by adding at
14 the end the following:

15 “(c) **COOPERATION WITH PROGRAM RESEARCH AND**
16 **EVALUATION.**—States, State educational agencies, local
17 educational agencies, schools, institutions, facilities, and
18 contractors participating in programs authorized under
19 this Act and the Child Nutrition Act of 1966 (42 U.S.C.
20 1771 et seq.) shall cooperate with officials and contractors
21 acting on behalf of the Secretary, in the conduct of evalua-
22 tions and studies under those Acts.”.

1 **Subtitle B—Summer Food Service**
2 **Program**

3 **SEC. 321. SUMMER FOOD SERVICE PROGRAM PERMANENT**
4 **OPERATING AGREEMENTS.**

5 Section 13(b) of the Richard B. Russell National
6 School Lunch Act (42 U.S.C. 1761(b)) is amended by
7 striking paragraph (3) and inserting the following:

8 “(3) PERMANENT OPERATING AGREEMENTS
9 AND BUDGET FOR ADMINISTRATIVE COSTS.—

10 “(A) PERMANENT OPERATING AGREE-
11 MENTS.—

12 “(i) IN GENERAL.—Subject to clauses
13 (ii) and (iii), to participate in the program,
14 a service institution that meets the condi-
15 tions of eligibility described in this section
16 and in regulations promulgated by the Sec-
17 retary, shall be required to enter into a
18 permanent agreement with the applicable
19 State agency.

20 “(ii) AMENDMENTS.—A permanent
21 agreement described in clause (i) may be
22 amended as necessary to ensure that the
23 service institution is in compliance with all
24 requirements established in this section or
25 by the Secretary.

1 “(iii) TERMINATION.—A permanent
2 agreement described in clause (i)—

3 “(I) may be terminated for con-
4 venience by the service institution and
5 State agency that is a party to the
6 permanent agreement; and

7 “(II) shall be terminated—

8 “(aa) for cause by the appli-
9 cable State agency in accordance
10 with subsection (q) and with reg-
11 ulations promulgated by the Sec-
12 retary; or

13 “(bb) on termination of par-
14 ticipation of the service institu-
15 tion in the program.

16 “(B) BUDGET FOR ADMINISTRATIVE
17 COSTS.—

18 “(i) IN GENERAL.—When applying for
19 participation in the program, and not less
20 frequently than annually thereafter, each
21 service institution shall submit a complete
22 budget for administrative costs related to
23 the program, which shall be subject to ap-
24 proval by the State.

1 “(ii) AMOUNT.—Payment to service
2 institutions for administrative costs shall
3 equal the levels determined by the Sec-
4 retary pursuant to the study required in
5 paragraph (4).”.

6 **SEC. 322. SUMMER FOOD SERVICE PROGRAM DISQUALI-**
7 **FICATION.**

8 Section 13 of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1761) is amended—

10 (1) by redesignating subsection (q) as sub-
11 section (r); and

12 (2) by inserting after subsection (p) the fol-
13 lowing:

14 “(q) TERMINATION AND DISQUALIFICATION OF PAR-
15 TICIPATING ORGANIZATIONS.—

16 “(1) IN GENERAL.—Each State agency shall
17 follow the procedures established by the Secretary
18 for the termination of participation of institutions
19 under the program.

20 “(2) FAIR HEARING.—The procedures described
21 in paragraph (1) shall include provision for a fair
22 hearing and prompt determination for any service
23 institution aggrieved by any action of the State
24 agency that affects—

1 “(A) the participation of the service insti-
2 tution in the program; or

3 “(B) the claim of the service institution for
4 reimbursement under this section.

5 “(3) LIST OF DISQUALIFIED INSTITUTIONS AND
6 INDIVIDUALS.—

7 “(A) IN GENERAL.—The Secretary shall
8 maintain a list of service institutions and indi-
9 viduals that have been terminated or otherwise
10 disqualified from participation in the program
11 under the procedures established pursuant to
12 paragraph (1).

13 “(B) AVAILABILITY.—The Secretary shall
14 make the list available to States for use in ap-
15 proving or renewing applications by service in-
16 stitutions for participation in the program.”.

17 **Subtitle C—Child and Adult Care**
18 **Food Program**

19 **SEC. 331. RENEWAL OF APPLICATION MATERIALS AND PER-**
20 **MANENT OPERATING AGREEMENTS.**

21 (a) PERMANENT OPERATING AGREEMENTS.—Sec-
22 tion 17(d)(1) of the Richard B. Russell National School
23 Lunch Act (42 U.S.C. 1766(d)(1)) is amended by adding
24 at the end the following:

1 “(E) PERMANENT OPERATING AGREE-
2 MENTS.—

3 “(i) IN GENERAL.—Subject to clauses
4 (ii) and (iii), to participate in the child and
5 adult care food program, an institution
6 that meets the conditions of eligibility de-
7 scribed in this subsection shall be required
8 to enter into a permanent agreement with
9 the applicable State agency.

10 “(ii) AMENDMENTS.—A permanent
11 agreement described in clause (i) may be
12 amended as necessary to ensure that the
13 institution is in compliance with all re-
14 quirements established in this section or by
15 the Secretary.

16 “(iii) TERMINATION.—A permanent
17 agreement described in clause (i)—

18 “(I) may be terminated for con-
19 venience by the institution or State
20 agency that is a party to the perma-
21 nent agreement; and

22 “(II) shall be terminated—

23 “(aa) for cause by the appli-
24 cable State agency in accordance
25 with paragraph (5); or

1 “(bb) on termination of par-
2 ticipation of the institution in the
3 child and adult care food pro-
4 gram.”.

5 (b) APPLICATIONS AND REVIEWS.—Section 17(d) of
6 the Richard B. Russell National School Lunch Act (42
7 U.S.C. 1766(d)) is amended by striking paragraph (2) and
8 inserting the following:

9 “(2) PROGRAM APPLICATIONS.—

10 “(A) IN GENERAL.—The Secretary shall
11 develop a policy under which each institution
12 providing child care that participates in the
13 program under this section shall—

14 “(i) submit to the State agency an ini-
15 tial application to participate in the pro-
16 gram that meets all requirements estab-
17 lished by the Secretary by regulation;

18 “(ii) annually confirm to the State
19 agency that the institution, and any facili-
20 ties of the institution in which the program
21 is operated by a sponsoring organization, is
22 in compliance with subsection (a)(5); and

23 “(iii) annually submit to the State
24 agency any additional information nec-
25 essary to confirm that the institution is in

1 compliance with all other requirements to
2 participate in the program, as established
3 in this Act and by the Secretary by regula-
4 tion.

5 “(B) REQUIRED REVIEWS OF SPONSORED
6 FACILITIES.—

7 “(i) IN GENERAL.—The Secretary
8 shall develop a policy under which each
9 sponsoring organization participating in
10 the program under this section shall con-
11 duct—

12 “(I) periodic unannounced site
13 visits at not less than 3-year intervals
14 to sponsored child and adult care cen-
15 ters and family or group day care
16 homes to identify and prevent man-
17 agement deficiencies and fraud and
18 abuse under the program; and

19 “(II) at least 1 scheduled site
20 visit each year to sponsored child and
21 adult care centers and family or group
22 day care homes to identify and pre-
23 vent management deficiencies and
24 fraud and abuse under the program
25 and to improve program operations.

1 “(ii) VARIED TIMING.—Sponsoring or-
2 ganizations shall vary the timing of unan-
3 nounced reviews under clause (i)(I) in a
4 manner that makes the reviews unpredict-
5 able to sponsored facilities.

6 “(C) REQUIRED REVIEWS OF INSTITU-
7 TIONS.—The Secretary shall develop a policy
8 under which each State agency shall conduct—

9 “(i) at least 1 scheduled site visit at
10 not less than 3-year intervals to each insti-
11 tution under the State agency participating
12 in the program under this section—

13 “(I) to identify and prevent man-
14 agement deficiencies and fraud and
15 abuse under the program; and

16 “(II) to improve program oper-
17 ations; and

18 “(ii) more frequent reviews of any in-
19 stitution that—

20 “(I) sponsors a significant share
21 of the facilities participating in the
22 program;

23 “(II) conducts activities other
24 than the program authorized under
25 this section;

1 “(III) has serious management
2 problems, as identified in a prior re-
3 view, or is at risk of having serious
4 management problems; or

5 “(IV) meets such other criteria
6 as are defined by the Secretary.

7 “(D) DETECTION AND DETERRENCE OF
8 ERRONEOUS PAYMENTS AND FALSE CLAIMS.—

9 “(i) IN GENERAL.—The Secretary
10 may develop a policy to detect and deter,
11 and recover erroneous payments to, and
12 false claims submitted by, institutions,
13 sponsored child and adult care centers, and
14 family or group day care homes partici-
15 pating in the program under this section.

16 “(ii) BLOCK CLAIMS.—

17 “(I) DEFINITION OF BLOCK
18 CLAIM.—In this clause, the term block
19 claim has the meaning given the term
20 in section 226.2 of title 7, Code of
21 Federal Regulations (or successor reg-
22 ulations).

23 “(II) PROGRAM EDIT CHECKS.—
24 The Secretary may not require any
25 State agency, sponsoring organization,

1 or other institution to perform edit
2 checks or on-site reviews relating to
3 the detection of block claims by any
4 child care facility.

5 “(III) ALLOWANCE.—Notwith-
6 standing subclause (II), the Secretary
7 may require any State agency, spon-
8 soring organization, or other institu-
9 tion to collect, store, and transmit to
10 the appropriate entity information
11 necessary to develop any other policy
12 developed under clause (i).”

13 (c) AGREEMENTS.—Section 17(j)(1) of the Richard
14 B. Russell National School Lunch Act (42 U.S.C.
15 1766(j)(1)) is amended—

- 16 (1) by striking “may” and inserting “shall”;
- 17 (2) by striking “family or group day care” the
18 first place it appears; and
- 19 (3) by inserting “or sponsored day care cen-
20 ters” before “participating”.

21 **SEC. 332. STATE LIABILITY FOR PAYMENTS TO AGGRIEVED**
22 **CHILD CARE INSTITUTIONS.**

23 Section 17(e) of the Richard B. Russell National
24 School Lunch Act (42 U.S.C. 1766(e)) is amended—

1 (1) in paragraph (3), by striking “(3) If a
2 State” and inserting the following:

3 “(5) SECRETARIAL HEARING.—If a State”; and

4 (2) by striking “(e) Except as provided” and all
5 that follows through “(2) A State” and inserting the
6 following:

7 “(e) HEARINGS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (4), each State agency shall provide, in ac-
10 cordance with regulations promulgated by the Sec-
11 retary, an opportunity for a fair hearing and a
12 prompt determination to any institution aggrieved
13 by any action of the State agency that affects—

14 “(A) the participation of the institution in
15 the program authorized by this section; or

16 “(B) the claim of the institution for reim-
17 bursement under this section.

18 “(2) REIMBURSEMENT.—In accordance with
19 paragraph (3), a State agency that fails to meet
20 timeframes for providing an opportunity for a fair
21 hearing and a prompt determination to any institu-
22 tion under paragraph (1) in accordance with regula-
23 tions promulgated by the Secretary, shall pay, from
24 non-Federal sources, all valid claims for reimburse-
25 ment to the institution and the facilities of the insti-

1 tution during the period beginning on the day after
2 the end of any regulatory deadline for providing the
3 opportunity and making the determination and end-
4 ing on the date on which a hearing determination is
5 made.

6 “(3) NOTICE TO STATE AGENCY.—The Sec-
7 retary shall provide written notice to a State agency
8 at least 30 days prior to imposing any liability for
9 reimbursement under paragraph (2).

10 “(4) FEDERAL AUDIT DETERMINATION.—A
11 State”.

12 **SEC. 333. APPLICATION SUBMISSION BY SPONSORED FAM-**
13 **ILY OR GROUP DAY CARE HOMES.**

14 Section 17(f)(3)(A)(iii)(III) of the Richard B. Russell
15 National School Lunch Act (42 U.S.C.
16 1766(f)(3)(A)(iii)(III)) is amended by adding at the end
17 the following:

18 “(dd) APPLICATION SUBMIS-
19 SION.—If a family or group day
20 care home elects to be provided
21 reimbursement factors described
22 in subclause (II), the family or
23 group day care home may assist
24 in the transmission of necessary
25 household income information to

1 the family or group day care
2 home sponsoring organization in
3 accordance with the policy de-
4 scribed in item (ee).

5 “(ee) POLICY.—The Sec-
6 retary shall develop a policy
7 under which a sponsored family
8 or group day care home described
9 in item (dd) may, under terms
10 and conditions specified by the
11 Secretary and with the written
12 consent of the parents or guard-
13 ians of a child in a family or
14 group day care home partici-
15 pating in the program, assist in
16 the transmission of the income
17 information of the family to the
18 family or group day care home
19 sponsoring organization.”.

20 **SEC. 334. ADMINISTRATIVE PAYMENTS TO SPONSORING**
21 **ORGANIZATIONS.**

22 Section 17(f)(3)(B) of the Richard B. Russell Na-
23 tional School Lunch Act (42 U.S.C. 1766(f)(3)(B)) is
24 amended to read as follows:

1 “(B) ADMINISTRATIVE REIMBURSE-
2 MENTS.—

3 “(i) IN GENERAL.—In addition to re-
4 imbursement provided under subparagraph
5 (A), family or group day care home spon-
6 soring organizations shall receive reim-
7 bursement for the administrative expenses
8 in amounts not less than the sum of the
9 product obtained by multiplying—

10 “(I) the number of family and
11 group day care homes of the spon-
12 soring organization submitting a claim
13 for reimbursement in each month; by

14 “(II) the administrative reim-
15 bursement rate prescribed by the Sec-
16 retary.

17 “(ii) ADMINISTRATIVE REIMBURSE-
18 MENT RATE.—Effective July 1, 2011, the
19 Secretary shall increase the administrative
20 reimbursement rate prescribed by the Sec-
21 retary under clause (i)(II) by \$5 for each
22 family and group day care home of the
23 sponsoring organization submitting a claim
24 for reimbursement.

1 “(iii) ANNUAL ADJUSTMENT.—The re-
2 imbursement levels specified in clause (i)
3 shall be adjusted July 1 of each year to re-
4 flect changes in the Consumer Price Index
5 for All Urban Consumers published by the
6 Bureau of Labor Statistics of the Depart-
7 ment of Labor for all items for the most
8 recent 12-month period for which data are
9 available.

10 “(iv) CARRYOVER FUNDS.—The Sec-
11 retary shall develop procedures under
12 which not more than 10 percent of the
13 amount made available to sponsoring orga-
14 nizations for a fiscal year under this sec-
15 tion for administrative expenses for a fiscal
16 year may remain available to such organi-
17 zations for obligation or expenditure for
18 the succeeding fiscal year for such pur-
19 pose.”.

20 **SEC. 335. CHILD AND ADULT CARE FOOD PROGRAM AUDIT**
21 **FUNDING.**

22 Section 17(i) of the Richard B. Russell National
23 School Lunch Act (42 U.S.C. 1766(i)) is amended by
24 striking paragraph (2) and inserting the following:

25 “(2) FUNDING.—

1 “(A) IN GENERAL.—The Secretary shall
2 make available for each fiscal year to each
3 State agency administering the child and adult
4 care food program, for the purpose of con-
5 ducting audits of participating institutions, an
6 amount of up to 1.5 percent of the funds used
7 by each State in the program under this sec-
8 tion, during the second preceding fiscal year.

9 “(B) ADDITIONAL FUNDING.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), for fiscal year 2016 and each fiscal
12 year thereafter, the Secretary may increase
13 the amount of funds made available to any
14 State agency under subparagraph (A), if
15 the State agency demonstrates that the
16 State agency can effectively use the funds
17 to improve program management under
18 criteria established by the Secretary.

19 “(ii) LIMITATION.—The total amount
20 of funds made available to any State agen-
21 cy under this paragraph shall not exceed 2
22 percent of the funds used by each State
23 agency in the program under this section,
24 during the second preceding fiscal year.”.

1 **SEC. 336. REDUCING PAPERWORK AND IMPROVING PRO-**
2 **GRAM ADMINISTRATION.**

3 Section 17 of the Richard B. Russell National School
4 Lunch Act (42 U.S.C. 1751 et seq.) (as amended by sec-
5 tion 335) is further amended by adding at the end the
6 following:

7 “(v) REDUCING PAPERWORK AND IMPROVING PRO-
8 GRAM ADMINISTRATION.—

9 “(1) ESTABLISHMENT.—The Secretary, in con-
10 junction with States and participating institutions,
11 shall continue to examine the feasibility of reducing
12 unnecessary or duplicative paperwork resulting from
13 regulations and recordkeeping requirements for
14 State agencies, institutions, family and group day
15 care homes, and sponsored centers participating in
16 the program

17 “(2) DUTIES.—At a minimum, the examination
18 shall include—

19 “(A) review and evaluation of the rec-
20 ommendations, guidance, and regulatory prior-
21 ities developed and issued to comply with sec-
22 tion 119(i) of the Child Nutrition and WIC Re-
23 authorization Act of 2004 (42 U.S.C. 1766
24 note; Public Law 108–265);

25 “(B) examination of additional paperwork
26 and administrative requirements that have been

1 established since February 23, 2007, that could
2 be reduced or simplified; and

3 “(C) examination of any other aspect re-
4 garding the administration of the program, as
5 determined by the Secretary.

6 “(3) REPORT.—Not later than 4 years after the
7 date of enactment of the Improving Nutrition for
8 America’s Children Act, the Secretary shall submit
9 to the Committee on Education and Labor of the
10 House of Representatives and the Committee on Ag-
11 riculture, Nutrition, and Forestry of the Senate a
12 report that describes the actions that have been
13 taken to carry out this section, including—

14 “(A) actions taken to address administra-
15 tive and paperwork burdens identified as a re-
16 sult of compliance with section 119(i) of the
17 Child Nutrition and WIC Reauthorization Act
18 of 2004 (42 U.S.C. 1766 note; Public Law
19 108–265);

20 “(B) administrative and paperwork bur-
21 dens identified as a result of compliance with
22 section 119(i) of that Act for which no regu-
23 latory action or policy guidance has been taken;

24 “(C) additional steps that the Secretary is
25 taking or plans to take to address any adminis-

1 trative and paperwork burdens identified under
2 paragraph (2)(B) and subparagraph (B), in-
3 cluding—

4 “(i) new or updated regulations, pol-
5 icy, guidance, or technical assistance; and

6 “(ii) a timeframe for the completion
7 of those steps; and

8 “(D) recommendations to Congress for
9 modifications to existing statutory authorities
10 needed to address identified administrative and
11 paperwork burdens.”.

12 **Subtitle D—Special Supplemental**
13 **Nutrition Program for Women,**
14 **Infants, and Children**

15 **SEC. 351. SHARING OF MATERIALS WITH OTHER PRO-**
16 **GRAMS.**

17 Section 17(e)(3) of the Child Nutrition Act (42
18 U.S.C. 1786(e)(3)) is amended by striking subparagraph
19 (B) and inserting the following:

20 “(B) SHARING OF MATERIALS WITH
21 OTHER PROGRAMS.—

22 “(i) COMMODITY SUPPLEMENTAL
23 FOOD PROGRAM.—The Secretary may pro-
24 vide, in bulk quantity, nutrition education
25 materials (including materials promoting

1 breastfeeding) developed with funds made
2 available for the program authorized under
3 this section to State agencies administering
4 the commodity supplemental food program
5 established under section 5 of the Agri-
6 culture and Consumer Protection Act of
7 1973 (7 U.S.C. 612c note; Public Law 93-
8 86) at no cost to that program.

9 “(ii) CHILD AND ADULT CARE FOOD
10 PROGRAM.—A State agency may allow the
11 local agencies or clinics under the State
12 agency to share nutrition educational ma-
13 terials with institutions participating in the
14 child and adult care food program estab-
15 lished under section 17 of the Richard B.
16 Russell National School Lunch Act (42
17 U.S.C. 1766) at no cost to that program,
18 if a written materials sharing agreement
19 exists between the relevant agencies.”.

20 **SEC. 352. WIC PROGRAM MANAGEMENT.**

21 (a) WIC EVALUATION FUNDS.—Section 17(g)(5) of
22 the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5))
23 is amended by striking “\$5,000,000” and inserting
24 “\$15,000,000”.

1 (b) WIC REBATE PAYMENTS.—Section 17(h)(8) of
2 the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8))
3 is amended by adding at the end the following:

4 “(K) REPORTING.—Effective beginning
5 October 1, 2011, each State agency shall report
6 rebate payments received from manufacturers
7 in the month in which the payments are re-
8 ceived, rather than in the month in which the
9 payments were earned.”.

10 (c) COST CONTAINMENT MEASURE.—Section 17(h)
11 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h))
12 is amended—

13 (1) in paragraph (8)(A)(iv)(III), by striking
14 “Any” and inserting “Except as provided in para-
15 graph (9)(B)(i)(II), any”; and

16 (2) by striking paragraph (9) and inserting the
17 following:

18 “(9) COST CONTAINMENT MEASURE.—

19 “(A) DEFINITION OF COST CONTAINMENT
20 MEASURE.—In this subsection, the term cost
21 containment measure means a competitive bid-
22 ding, rebate, direct distribution, or home deliv-
23 ery system implemented by a State agency as
24 described in the approved State plan of oper-
25 ation and administration of the State agency.

1 “(B) SOLICITATION AND REBATE BILLING
2 REQUIREMENTS.—Any State agency instituting
3 a cost containment measure for any authorized
4 food, including infant formula, shall—
5 “(i) in the bid solicitation—
6 “(I) identify the composition of
7 State alliances for the purposes of a
8 cost containment measure; and
9 “(II) verify that no additional
10 States shall be added to the State alli-
11 ance between the date of the bid solie-
12 itation and the end of the contract;
13 “(ii) have a system to ensure that re-
14 bate invoices under competitive bidding
15 provide a reasonable estimate or an actual
16 count of the number of units sold to par-
17 ticipants in the program under this sec-
18 tion;
19 “(iii) open and read aloud all bids at
20 a public proceeding on the day on which
21 the bids are due; and
22 “(iv) unless otherwise exempted by
23 the Secretary, provide a minimum of 30
24 days between the publication of the solici-

1 tation and the date on which the bids are
2 due.

3 “(C) STATE ALLIANCES FOR AUTHORIZED
4 FOODS OTHER THAN INFANT FORMULA.—Pro-
5 gram requirements relating to the size of State
6 alliances under paragraph (8)(A)(iv) shall apply
7 to cost containment measures established for
8 any authorized food under this section.”.

9 (d) ELECTRONIC BENEFIT TRANSFER.—Section
10 17(h) of the Child Nutrition Act of 1966 (42 U.S.C.
11 1786(h)) is amended by striking paragraph (12) and in-
12 serting the following:

13 “(12) ELECTRONIC BENEFIT TRANSFER.—

14 “(A) DEFINITIONS.—In this paragraph:

15 “(i) ELECTRONIC BENEFIT TRANS-
16 FER.—The term electronic benefit transfer
17 means a food delivery system that provides
18 benefits using a card or other access device
19 approved by the Secretary that permits
20 electronic access to program benefits.

21 “(ii) PROGRAM.—The term program
22 means the special supplemental nutrition
23 program established by this section.

24 “(B) REQUIREMENTS.—

1 “(i) IN GENERAL.—Not later than Oc-
2 tober 1, 2020, each State agency shall be
3 required to implement electronic benefit
4 transfer systems throughout the State, un-
5 less the Secretary grants an exemption
6 under subparagraph (C) for a State agency
7 that is facing unusual barriers to imple-
8 ment an electronic benefit transfer system.

9 “(ii) RESPONSIBILITY.—The State
10 agency shall be responsible for the coordi-
11 nation and management of the electronic
12 benefit transfer system of the agency.

13 “(C) EXEMPTIONS.—

14 “(i) IN GENERAL.—To be eligible for
15 an exemption from the statewide imple-
16 mentation requirements of subparagraph
17 (B)(i), a State agency shall demonstrate to
18 the satisfaction of the Secretary 1 or more
19 of the following:

20 “(I) There are unusual techno-
21 logical barriers to implementation.

22 “(II) Operational costs are not
23 affordable within the nutrition serv-
24 ices and administration grant of the
25 State agency.

1 “(III) It is in the best interest of
2 the program to grant the exemption.

3 “(ii) SPECIFIC DATE.—A State agency
4 requesting an exemption under clause (i)
5 shall specify a date by which the State
6 agency anticipates statewide implementa-
7 tion described in subparagraph (B)(i).

8 “(D) REPORTING.—

9 “(i) IN GENERAL.—Each State agency
10 shall submit to the Secretary electronic
11 benefit transfer project status reports to
12 demonstrate the progress of the State to-
13 ward statewide implementation.

14 “(ii) CONSULTATION.—If a State
15 agency plans to incorporate additional pro-
16 grams in the electronic benefit transfer
17 system of the State, the State agency shall
18 consult with the State agency officials re-
19 sponsible for administering the programs
20 prior to submitting the planning docu-
21 ments to the Secretary for approval.

22 “(iii) REQUIREMENTS.—At a min-
23 imum, a status report submitted under
24 clause (i) shall contain—

1 “(I) an annual outline of the
2 electronic benefit transfer implemen-
3 tation goals and objectives of the
4 State;

5 “(II) appropriate updates in ac-
6 cordance with approval requirements
7 for active electronic benefit transfer
8 State agencies; and

9 “(III) such other information as
10 the Secretary may require.

11 “(E) IMPOSITION OF COSTS ON VEN-
12 DORS.—

13 “(i) COST PROHIBITION.—Except as
14 otherwise provided in this paragraph, the
15 Secretary may not impose, or allow a State
16 agency to impose, the costs of any equip-
17 ment or system required for electronic ben-
18 efit transfers on any authorized vendor in
19 order to transact electronic benefit trans-
20 fers if the vendor equipment or system is
21 used solely to support the program.

22 “(ii) COST SHARING.—The Secretary
23 shall establish criteria for cost sharing by
24 State agencies and vendors of costs associ-
25 ated with any equipment or system that is

1 not solely dedicated to transacting elec-
2 tronic benefit transfers for the program.

3 “(iii) FEES.—

4 “(I) IN GENERAL.—A vendor
5 that elects to accept electronic benefit
6 transfers using multifunction equip-
7 ment shall pay commercial transaction
8 processing costs and fees imposed by
9 a third-party processor that the ven-
10 dor elects to use to connect to the
11 electronic benefit transfer system of
12 the State.

13 “(II) INTERCHANGE FEES.—No
14 interchange fees shall apply to elec-
15 tronic benefit transfer transactions
16 under this paragraph.

17 “(iv) STATEWIDE OPERATIONS.—
18 After completion of statewide expansion of
19 a system for transaction of electronic ben-
20 efit transfers—

21 “(I) a State agency may not be
22 required to incur ongoing mainte-
23 nance costs for vendors using multi-
24 function systems and equipment to

1 support electronic benefit transfers;
2 and

3 “(II) any retail store in the State
4 that applies for authorization to be-
5 come a program vendor shall be re-
6 quired to demonstrate the capability
7 to accept program benefits electroni-
8 cally prior to authorization, unless the
9 State agency determines that the ven-
10 dor is necessary for participant ac-
11 cess.

12 “(F) MINIMUM LANE COVERAGE.—

13 “(i) IN GENERAL.—The Secretary
14 shall establish minimum lane coverage
15 guidelines for vendor equipment and sys-
16 tems used to support electronic benefit
17 transfers.

18 “(ii) PROVISION OF EQUIPMENT.—If
19 a vendor does not elect to accept electronic
20 benefit transfers using its own multi-
21 function equipment, the State agency shall
22 provide such equipment as is necessary to
23 solely support the program to meet the es-
24 tablished minimum lane coverage guide-
25 lines.

1 “(G) TECHNICAL STANDARDS.—The Sec-
2 retary shall—

3 “(i) establish technical standards and
4 operating rules for electronic benefit trans-
5 fer systems; and

6 “(ii) require each State agency, con-
7 tractor, and authorized vendor partici-
8 pating in the program to demonstrate com-
9 pliance with the technical standards and
10 operating rules.”.

11 (e) UNIVERSAL PRODUCT CODES DATABASE.—Sec-
12 tion 17(h) of the Child Nutrition Act of 1966 (42 U.S.C.
13 1786(h)) is amended by striking paragraph (13) and in-
14 serting the following:

15 “(13) UNIVERSAL PRODUCT CODES DATA-
16 BASE.—

17 “(A) IN GENERAL.—Not later than 2 years
18 after the date of the enactment of the Improv-
19 ing Nutrition for America’s Children Act, the
20 Secretary shall establish a national universal
21 product code database to be used by all State
22 agencies in carrying out the requirements of
23 paragraph (12).

24 “(B) FUNDING.—

1 “(i) IN GENERAL.—On October 1,
2 2010, and on each October 1 thereafter,
3 out of any funds in the Treasury not oth-
4 erwise appropriated, the Secretary of the
5 Treasury shall transfer to the Secretary to
6 carry out this paragraph \$1,000,000, to
7 remain available until expended.

8 “(ii) RECEIPT AND ACCEPTANCE.—
9 The Secretary shall be entitled to receive,
10 shall accept, and shall use to carry out this
11 paragraph the funds transferred under
12 clause (i), without further appropriation.

13 “(iii) USE OF FUNDS.—The Secretary
14 shall use the funds provided under clause
15 (i) for development, hosting, hardware and
16 software configuration, and support of the
17 database required under subparagraph
18 (A).”.

19 (f) TEMPORARY SPENDING AUTHORITY.—Section
20 17(i) of the Child Nutrition Act of 1966 (42 U.S.C.
21 1786(i)) is amended by adding at the end the following:

22 “(8) TEMPORARY SPENDING AUTHORITY.—
23 During each of fiscal years 2012 and 2013, the Sec-
24 retary may authorize a State agency to expend more
25 than the amount otherwise authorized under para-

1 graph (3)(C) for expenses incurred under this sec-
2 tion for supplemental foods during the preceding fis-
3 cal year, if the Secretary determines that—

4 “(A) there has been a significant reduction
5 in reported infant formula cost containment
6 savings for the preceding fiscal year due to the
7 implementation of subsection (h)(8)(K); and

8 “(B) the reduction would affect the ability
9 of the State agency to serve all eligible partici-
10 pants.”.

11 **Subtitle E—Miscellaneous**

12 **SEC. 361. FULL USE OF FEDERAL FUNDS.**

13 Section 12 of the Richard B. Russell National School
14 Lunch Act (42 U.S.C. 1760) is further amended by strik-
15 ing subsection (b) and inserting the following:

16 “(b) AGREEMENTS.—

17 “(1) IN GENERAL.—The Secretary shall incor-
18 porate, in the agreement of the Secretary with the
19 State agencies administering programs authorized
20 under this Act or the Child Nutrition Act of 1966
21 (42 U.S.C. 1771 et seq.), the express requirements
22 with respect to the operation of the programs to the
23 extent applicable and such other provisions as in the
24 opinion of the Secretary are reasonably necessary or
25 appropriate to effectuate the purposes of this Act

1 and the Child Nutrition Act of 1966 (42 U.S.C.
2 1771 et seq.).

3 “(2) EXPECTATIONS FOR USE OF FUNDS.—
4 Agreements described in paragraph (1) shall include
5 a provision that—

6 “(A) supports full use of Federal funds
7 provided to State agencies for the administra-
8 tion of programs authorized under this Act or
9 the Child Nutrition Act of 1966 (42 U.S.C.
10 1771 et seq.); and

11 “(B) excludes the Federal funds from
12 State budget restrictions or limitations includ-
13 ing, at a minimum—

14 “(i) hiring freezes;

15 “(ii) work furloughs; and

16 “(iii) travel restrictions.”.

17 **SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND IN-**
18 **DIVIDUALS.**

19 Section 12 of the Richard B. Russell National School
20 Lunch Act (42 U.S.C. 1760) is further amended by adding
21 at the end the following:

22 “(q) DISQUALIFIED SCHOOLS, INSTITUTIONS, AND
23 INDIVIDUALS.—Any school, institution, service institution,
24 facility, or individual that has been terminated from any
25 program authorized under this Act or the Child Nutrition

1 Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of
2 disqualified institutions and individuals under section 13
3 or section 17(d)(5)(E) of this Act may not be approved
4 to participate in or administer any program authorized
5 under this Act or the Child Nutrition Act of 1966 (42
6 U.S.C. 1771 et seq.).”.

7 **TITLE IV—MISCELLANEOUS**
8 **Subtitle A—Reauthorization of**
9 **Expiring Provisions**

10 **PART 1—RICHARD B. RUSSELL NATIONAL**
11 **SCHOOL LUNCH ACT**

12 **SEC. 401. COMMODITY SUPPORT.**

13 Section 6(e)(1)(B) of the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended
15 by striking “September 30, 2010” and inserting “Sep-
16 tember 30, 2020”.

17 **SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.**

18 Section 9(h) of the Richard B. Russell National
19 School Lunch Act (42 U.S.C. 1758(h)) is amended—

20 (1) in paragraph (3), by striking “2006
21 through 2010” and inserting “2011 through 2015”;
22 and

23 (2) in paragraph (4), by striking “2006
24 through 2010” and inserting “2011 through 2015”.

1 **SEC. 403. AUTHORIZATION OF THE SUMMER FOOD SERVICE**
2 **PROGRAM FOR CHILDREN.**

3 Subsection (r) of section 13 of the Richard B. Russell
4 National School Lunch Act (42 U.S.C. 1761) (as redesignig-
5 nated by section 322(1)) is amended by striking “Sep-
6 tember 30, 2009” and inserting “September 30, 2015”.

7 **SEC. 404. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.**

8 Section 18 of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1769) is amended—

10 (1) by striking subsection (j) (as redesignated
11 by section 208(1)); and

12 (2) by redesignating subsections (k) and (l) (as
13 redesignated by section 208(1)) as subsections (j)
14 and (k), respectively.

15 **SEC. 405. TRAINING, TECHNICAL ASSISTANCE, AND FOOD**
16 **SERVICE MANAGEMENT INSTITUTE.**

17 Section 21(e) of the Richard B. Russell National
18 School Lunch Act (42 U.S.C. 1769b–1(e)) is amended—

19 (1) by striking “(e) AUTHORIZATION OF AP-
20 PROPRIATIONS” and all that follows through the end
21 of paragraph (2)(A) and inserting the following:

22 “(e) FOOD SERVICE MANAGEMENT INSTITUTE.—

23 “(1) FUNDING.—

24 “(A) IN GENERAL.—In addition to any
25 amounts otherwise made available for fiscal
26 year 2011, on October 1, 2010, and each Octo-

1 ber 1 thereafter, out of any funds in the Treas-
2 ury not otherwise appropriated, the Secretary of
3 the Treasury shall transfer to the Secretary to
4 carry out subsection (a)(2) \$5,000,000, to re-
5 main available until expended.

6 “(B) RECEIPT AND ACCEPTANCE.—The
7 Secretary shall be entitled to receive, shall ac-
8 cept, and shall use to carry out subsection
9 (a)(2) the funds transferred under subpara-
10 graph (A), without further appropriation.”;

11 (2) by redesignating subparagraphs (B) and
12 (C) as paragraphs (2) and (3), respectively, and in-
13 denting appropriately;

14 (3) in paragraph (2) (as so redesignated), by
15 striking “subparagraph (A)” each place it appears
16 and inserting “paragraph (1)”; and

17 (4) in paragraph (3) (as so redesignated), by
18 striking “subparagraphs (A) and (B)” and inserting
19 “paragraphs (1) and (2)”.

20 **SEC. 406. FEDERAL ADMINISTRATIVE SUPPORT.**

21 Section 21(g)(1)(A) of the Richard B. Russell Na-
22 tional School Lunch Act (42 U.S.C. 1769b–1(g)(1)(A)) is
23 amended—

24 (1) in clause (i), by striking “and” at the end;

1 (2) in clause (ii), by striking the period at the
2 end and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(iii) on October 1, 2010, and each
5 October 1 thereafter, \$4,000,000.”.

6 **SEC. 407. COMPLIANCE AND ACCOUNTABILITY.**

7 Section 22(d) of the Richard B. Russell National
8 School Lunch Act (42 U.S.C. 1769c(d)) is amended by
9 striking “\$6,000,000 for each of fiscal years 2004 through
10 2009” and inserting “\$10,000,000 for each of fiscal years
11 2011 through 2015”.

12 **SEC. 408. INFORMATION CLEARINGHOUSE.**

13 Section 26(d) of the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1769g(d)) is amended in
15 the first sentence by striking “\$250,000 for each of fiscal
16 years 2005 through 2009” and inserting “\$1,000,000 for
17 each of fiscal years 2011 through 2015”.

18 **PART 2—CHILD NUTRITION ACT OF 1966**

19 **SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.**

20 Section 7(i)(4) of the Child Nutrition Act of 1966
21 (42 U.S.C. 1776(i)(4)) is amended by striking “2005
22 through 2009” and inserting “2010 through 2015”.

1 **SEC. 422. STATE ADMINISTRATIVE EXPENSES.**

2 Section 7(j) of the Child Nutrition Act of 1966 (42
3 U.S.C. 1776(j)) is amended by striking “October 1, 2009”
4 and inserting “October 1, 2015”.

5 **SEC. 423. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**
6 **FOR WOMEN, INFANTS, AND CHILDREN.**

7 Section 17(g)(1)(A) of the Child Nutrition Act of
8 1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking
9 “each of fiscal years 2004 through 2009” and inserting
10 “each of fiscal years 2010 through 2015”.

11 **SEC. 424. FARMERS MARKET NUTRITION PROGRAM.**

12 Section 17(m)(9) of the Child Nutrition Act of 1966
13 (42 U.S.C. 1786(m)(9)) is amended by striking subpara-
14 graph (A) and inserting the following:

15 “(A) AUTHORIZATION OF APPROPRIA-
16 TIONS.—There are authorized to be appro-
17 priated to carry out this subsection such sums
18 as are necessary for each of fiscal years 2010
19 through 2015.”.

20 **Subtitle B—Technical Amendments**

21 **SEC. 441. TECHNICAL AMENDMENTS.**

22 (a) RICHARD B. RUSSELL NATIONAL SCHOOL
23 LUNCH ACT.—

24 (1) NUTRITIONAL REQUIREMENTS.—Section
25 9(f) of the Richard B. Russell National School
26 Lunch Act (42 U.S.C. 1758(f)) is amended—

1 (A) by striking “(f)” and all that follows
2 through the end of paragraph (1) and inserting
3 the following:

4 “(f) NUTRITIONAL REQUIREMENTS.—

5 “(1) IN GENERAL.—Schools that are partici-
6 pating in the school lunch program or school break-
7 fast program shall serve lunches and breakfasts
8 that—

9 “(A) are consistent with the goals of the
10 most recent Dietary Guidelines for Americans
11 published under section 301 of the National
12 Nutrition Monitoring and Related Research Act
13 of 1990 (7 U.S.C. 5341); and

14 “(B) consider the nutrient needs of chil-
15 dren who may be at risk for inadequate food in-
16 take and food insecurity.”;

17 (B) by striking paragraph (2); and

18 (C) by redesignating paragraphs (3)
19 through (5) as paragraphs (2) through (4), re-
20 spectively.

21 (2) ROUNDING RULES FOR COMPUTATION OF
22 ADJUSTMENT.—Section 11(a)(3)(B) of the Richard
23 B. Russell National School Lunch Act (42 U.S.C.
24 1759a(a)(3)(B)) is amended by striking “ROUND-
25 ING.—” and all that follows through “On July” in

1 subclause (II) and inserting “ROUNDING.—On
2 July”.

3 (3) INFORMATION AND ASSISTANCE CON-
4 CERNING REIMBURSEMENT OPTIONS.—Section 11 of
5 the Richard B. Russell National School Lunch Act
6 (42 U.S.C. 1759a) is amended by striking subsection
7 (f).

8 (4) 1995 REGULATIONS TO IMPLEMENT DIE-
9 TARY GUIDELINES.—Section 12 of the Richard B.
10 Russell National School Lunch Act (42 U.S.C.
11 1760) is further amended by repealing subsection
12 (k).

13 (5) SUMMER FOOD SERVICE PROGRAM FOR
14 CHILDREN.—

15 (A) IN GENERAL.—Section 13 of the Rich-
16 ard B. Russell National School Lunch Act (42
17 U.S.C. 1761) is amended by striking the section
18 heading and all that follows through the end of
19 subsection (a)(1) and inserting the following:

20 **“SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHIL-
21 DREN.**

22 **“(a) IN GENERAL.—**

23 **“(1) DEFINITIONS.—In this section:**

24 **“(A) AREA IN WHICH POOR ECONOMIC
25 CONDITIONS EXIST.—**

1 “(i) IN GENERAL.—Subject to clause
2 (ii), the term area in which poor economic
3 conditions exist, as the term relates to an
4 area in which a program food service site
5 is located, means—

6 “(I) the attendance area of a
7 school in which at least 50 percent of
8 the enrolled children have been deter-
9 mined eligible for free or reduced
10 price school meals under this Act and
11 the Child Nutrition Act of 1966 (42
12 U.S.C. 1771 et seq.);

13 “(II) a geographic area, as de-
14 fined by the Secretary based on the
15 most recent census data available, in
16 which at least 50 percent of the chil-
17 dren residing in that area are eligible
18 for free or reduced price school meals
19 under this Act and the Child Nutri-
20 tion Act of 1966 (42 U.S.C. 1771 et
21 seq.);

22 “(III) an area—

23 “(aa) for which the program
24 food service site documents the
25 eligibility of enrolled children

1 through the collection of income
2 eligibility statements from the
3 families of enrolled children or
4 other means; and

5 “(bb) at least 50 percent of
6 the children enrolled at the pro-
7 gram food service site meet the
8 income standards for free or re-
9 duced price school meals under
10 this Act and the Child Nutrition
11 Act of 1966 (42 U.S.C. 1771 et
12 seq.);

13 “(IV) a geographic area, as de-
14 fined by the Secretary based on infor-
15 mation provided from a department of
16 welfare or zoning commission, in
17 which at least 50 percent of the chil-
18 dren residing in that area are eligible
19 for free or reduced price school meals
20 under this Act and the Child Nutri-
21 tion Act of 1966 (42 U.S.C. 1771 et
22 seq.); or

23 “(V) an area for which the pro-
24 gram food service site demonstrates
25 through other means approved by the

1 Secretary that at least 50 percent of
2 the children enrolled at the program
3 food service site are eligible for free or
4 reduced price school meals under this
5 Act and the Child Nutrition Act of
6 1966 (42 U.S.C. 1771 et seq.).

7 “(ii) DURATION OF DETERMINA-
8 TION.—A determination that an area is an
9 area in which poor economic conditions
10 exist under clause (i) shall be in effect
11 for—

12 “(I) in the case of an area de-
13 scribed in clause (i)(I), 5 years;

14 “(II) in the case of an area de-
15 scribed in clause (i)(II), until more re-
16 cent census data are available;

17 “(III) in the case of an area de-
18 scribed in clause (i)(III), 1 year; and

19 “(IV) in the case of an area de-
20 scribed in subclause (IV) or (V) of
21 clause (i), a period of time to be de-
22 termined by the Secretary, but not
23 less than 1 year.

24 “(B) CHILDREN.—The term children
25 means—

1 “(i) individuals who are 18 years of
2 age and under; and

3 “(ii) individuals who are older than 18
4 years of age who are—

5 “(I) determined by a State edu-
6 cational agency or a local public edu-
7 cational agency of a State, in accord-
8 ance with regulations promulgated by
9 the Secretary, to have a disability;
10 and

11 “(II) participating in a public or
12 nonprofit private school program es-
13 tablished for individuals who have a
14 disability.

15 “(C) PROGRAM.—The term program
16 means the summer food service program for
17 children authorized by this section.

18 “(D) SERVICE INSTITUTION.—The term
19 service institution means a public or private
20 nonprofit school food authority, local, municie-
21 pal, or county government, public or private
22 nonprofit higher education institution partici-
23 pating in the National Youth Sports Program,
24 or residential public or private nonprofit sum-
25 mer camp, that develops special summer or

1 school vacation programs providing food service
2 similar to food service made available to chil-
3 dren during the school year under the school
4 lunch program under this Act or the school
5 breakfast program under the Child Nutrition
6 Act of 1966 (42 U.S.C. 1771 et seq.).

7 “(E) STATE.—The term ‘State’ means—

8 “(i) each of the several States of the
9 United States;

10 “(ii) the District of Columbia;

11 “(iii) the Commonwealth of Puerto
12 Rico;

13 “(iv) Guam;

14 “(v) American Samoa;

15 “(vi) the Commonwealth of the North-
16 ern Mariana Islands; and

17 “(vii) the United States Virgin Is-
18 lands.”.

19 (B) CONFORMING AMENDMENTS.—Section
20 13(a) of the Richard B. Russell National School
21 Lunch Act (42 U.S.C. 1761(a)) is further
22 amended—

23 (i) in paragraph (2)—

1 (I) by striking “(2) To the max-
2 imum extent feasible,” and inserting
3 the following:

4 “(2) PROGRAM AUTHORIZATION.—

5 “(A) IN GENERAL.—The Secretary may
6 carry out a program to assist States, through
7 grants-in-aid and other means, to initiate and
8 maintain nonprofit summer food service pro-
9 grams for children in service institutions.

10 “(B) PREPARATION OF FOOD.—

11 “(i) IN GENERAL.—To the maximum
12 extent feasible,”; and

13 (II) by striking “The Secretary
14 shall” and inserting the following:

15 “(ii) INFORMATION AND TECHNICAL
16 ASSISTANCE.—The Secretary shall”;

17 (ii) in paragraph (3)—

18 (I) by striking “(3) Eligible serv-
19 ice institutions” and inserting the fol-
20 lowing:

21 “(3) ELIGIBLE SERVICE INSTITUTIONS.—Eligi-
22 ble service institutions”; and

23 (II) by indenting subparagraphs

24 (A) through (D) appropriately;

25 (iii) in paragraph (4)—

1 (I) by redesignating subpara-
2 graphs (A) through (D) as clauses (i)
3 through (iv), respectively, and indent-
4 ing appropriately;

5 (II) by striking “(4) The fol-
6 lowing” and inserting the following:

7 “(4) PRIORITY.—

8 “(A) IN GENERAL.—The following”; and

9 (III) by striking “The Secretary
10 and the States” and inserting the fol-
11 lowing:

12 “(B) RURAL AREAS.—The Secretary and
13 the States”;

14 (iv) by striking “(5) Camps” and in-
15 serting the following:

16 “(5) CAMPS.—Camps”; and

17 (v) by striking “(6) Service institu-
18 tions” and inserting the following:

19 “(6) GOVERNMENT INSTITUTIONS.—Service in-
20 stitutions”.

21 (6) REPORT ON IMPACT OF PROCEDURES TO
22 SECURE STATE SCHOOL INPUT ON COMMODITY SE-
23 LECTION.—Section 14(d) of the Richard B. Russell
24 National School Lunch Act (42 U.S.C. 1762a(d)) is

1 amended by striking the matter that follows para-
2 graph (5).

3 (7) RURAL AREA DAY CARE HOME PILOT PRO-
4 GRAM.—Section 17 of the Richard B. Russell Na-
5 tional School Lunch Act (42 U.S.C. 1766) is amend-
6 ed by repealing subsection (p).

7 (8) CHILD AND ADULT CARE FOOD PROGRAM
8 TRAINING AND TECHNICAL ASSISTANCE.—Section
9 17(q) of the Richard B. Russell National School
10 Lunch Act (42 U.S.C. 1766(q)) is amended by strik-
11 ing paragraph (3).

12 (9) PILOT PROJECT FOR PRIVATE NONPROFIT
13 STATE AGENCIES.—Section 18 of the Richard B.
14 Russell National School Lunch Act (42 U.S.C.
15 1769) is further amended—

16 (A) by striking subsection (a); and

17 (B) by redesignating subsections (b)
18 through (k) (as redesignated by section 404), as
19 subsections (a) through (j), respectively.

20 (10) OTHER PILOT PROJECTS.—Section 18 of
21 the Richard B. Russell National School Lunch Act
22 (42 U.S.C. 1769) is further amended—

23 (A) by striking subsections (b) through (e)
24 (as redesignated by paragraph (9)); and

1 (B) by redesignating subsections (f)
2 through (i) as subsections (b) through (f), re-
3 spectively.

4 (11) FRESH FRUIT AND VEGETABLE PRO-
5 GRAM.—Section 19 of the Richard B. Russell Na-
6 tional School Lunch Act (42 U.S.C. 1769a(b)) is
7 amended—

8 (A) by amending subsection (b) to read as
9 follows:

10 “(b) PROGRAM.—A school participating in the pro-
11 gram—

12 “(1) shall make free fresh fruits and vegetables
13 available to students throughout the school day (or
14 at such other times as are considered appropriate by
15 the Secretary) in 1 or more areas designated by the
16 school; and

17 “(2) may make free dried fruit available to stu-
18 dents throughout the school day (or at such other
19 times as are considered appropriate by the Sec-
20 retary) in 1 or more areas designated by the school
21 only if such dried fruit—

22 “(A) contains no added sugar; and

23 “(B) meets any additional specifications,
24 as established by the Secretary.”; and

25 (B) in subsection (i)—

- 1 (i) by striking paragraph (2); and
2 (ii) by redesignating paragraphs (3)
3 through (7) as paragraphs (2) through (6),
4 respectively.

5 (12) ACCOMMODATION OF THE SPECIAL DIE-
6 TARY NEEDS OF INDIVIDUALS WITH DISABILITIES.—
7 Section 27 of the Richard B. Russell National
8 School Lunch Act (42 U.S.C. 1769h) is repealed.

9 (b) CHILD NUTRITION ACT OF 1966.—

10 (1) STATE ADMINISTRATIVE EXPENSES MIN-
11 IMUM LEVELS FOR 2005 THROUGH 2007.—Section
12 7(a)(1) of the Child Nutrition Act of 1966 (42
13 U.S.C. 1776(a)(1)) is amended—

14 (A) in subparagraph (A), by striking “Ex-
15 cept as provided in subparagraph (B), each fis-
16 cal year” and inserting “Each fiscal year”;

17 (B) by striking subparagraph (B); and

18 (C) by redesignating subparagraph (C) as
19 subparagraph (B).

20 (2) FRUIT AND VEGETABLE GRANTS UNDER
21 THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
22 FOR WOMEN, INFANTS, AND CHILDREN.—Section
23 17(f)(11) of the Child Nutrition Act of 1966 (42
24 U.S.C. 1786(f)(11)) is amended—

25 (A) by striking subparagraph (C); and

1 (B) by redesignating subparagraph (D) as
2 subparagraph (C).

3 **SEC. 442. EQUIPMENT ASSISTANCE TECHNICAL CORREC-**
4 **TION.**

5 Notwithstanding any other provision of law, school
6 food authorities that received a grant for equipment as-
7 sistance under the grant program carried out under the
8 heading “Food and Nutrition Service Child Nutrition Pro-
9 grams” in title I of division A of the American Recovery
10 and Reinvestment Act of 2009 (Public Law 111–5; 123
11 Stat. 119) shall be eligible to receive a grant under section
12 749(j) of the Agriculture, Rural Development, Food and
13 Drug Administration, and Related Agencies Appropria-
14 tions Act, 2010 (Public Law 111–80; 123 Stat. 2134) to
15 make equipment available to schools that did not pre-
16 viously receive equipment assistance under a grant under
17 such heading (Public Law 111–5; 123 Stat. 119).

18 **SEC. 443. BUDGETARY EFFECTS.**

19 The budgetary effects of this Act, for the purpose of
20 complying with the Statutory Pay-As-You-Go Act of 2010,
21 shall be determined by reference to the latest statement
22 titled “Budgetary Effects of PAYGO Legislation” for this
23 Act, submitted for printing in the Congressional Record
24 by the Chairman of the House Budget Committee, pro-

1 vided that such statement has been submitted prior to the
2 vote on passage.

3 **SEC. 444. EFFECTIVE DATE.**

4 Except as otherwise specifically provided in this Act
5 or any of the amendments made by this Act, this Act and
6 the amendments made by this Act take effect on October
7 1, 2010.

