

[DISCUSSION DRAFT]

JUNE 9, 2010

111TH CONGRESS
2D SESSION

H. R. _____

To reauthorize child nutrition programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To reauthorize child nutrition programs, and for other
purposes.

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

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

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

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 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 program 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.

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;

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

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

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

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

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

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

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

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

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

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

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

3 (c) DOCUMENTATION.—Section 9(d)(2) of the Rich-
4 ard B. Russell National School Lunch Act (42 U.S.C.
5 1758(d)(2)) is amended—

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

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

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

11 “(F)(i) documentation has been provided
12 to the appropriate local educational agency
13 showing the status of the child as a foster child
14 whose care and placement is the responsibility
15 of an agency that administers a State plan
16 under part B or E of title IV of the Social Se-
17 curity Act (42 U.S.C. 621 et seq.); or

18 “(ii) documentation has been provided to
19 the appropriate local educational agency show-
20 ing the status of the child as a foster child who
21 a court has placed with a caretaker house-
22 hold.”.

1 **SEC. 102. IMPROVING DIRECT CERTIFICATION.**

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

5 (1) in the paragraph heading, by striking
6 “FOOD STAMP” and inserting “SUPPLEMENTAL NU-
7 TRITION ASSISTANCE PROGRAM”; and

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

9 “(E) PERFORMANCE AWARDS.—

10 “(i) IN GENERAL.—Effective for each
11 of the school years beginning July 1, 2011,
12 July 1, 2012, and July 1, 2013, the Sec-
13 retary shall offer performance awards to
14 States to encourage the States to ensure
15 that all children eligible for direct certifi-
16 cation under this paragraph are certified in
17 accordance with this paragraph.

18 “(ii) REQUIREMENTS.—For each
19 school year described in clause (i), the Sec-
20 retary shall—

21 “(I) consider State data from the
22 prior school year, including estimates
23 contained in the report required under
24 section 4301 of the Food, Conserva-
25 tion, and Energy Act of 2008 (42
26 U.S.C. 1758a); and

1 “(II) make performance awards
2 to not more than 15 States that the
3 Secretary determines demonstrate ei-
4 ther—

5 “(aa) outstanding perform-
6 ance; or

7 “(bb) substantial improve-
8 ment.

9 “(iii) USE OF FUNDS.—A State that
10 receives a performance award under clause
11 (i)—

12 “(I) shall treat the funds as pro-
13 gram income to support State activi-
14 ties with respect to the school lunch
15 program and school breakfast pro-
16 gram; and

17 “(II) shall allocate a portion of
18 the funds to local educational agencies
19 for use in carrying out the school
20 lunch program under this Act and
21 school breakfast program under the
22 Child Nutrition Act of 1966 (42
23 U.S.C. 1771 et seq.), with priority for
24 such agencies that demonstrate the
25 highest improvement in directly certi-

1 fying eligible children under this para-
2 graph.

3 “(iv) FUNDING.—

4 “(I) IN GENERAL.—On October
5 1, 2011, and each subsequent October
6 1 through October 1, 2013, out of any
7 funds in the Treasury not otherwise
8 appropriated, the Secretary of the
9 Treasury shall transfer to the Sec-
10 retary—

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

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

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

21 “(v) PAYMENTS NOT SUBJECT TO JU-
22 DICIAL REVIEW.—A determination by the
23 Secretary whether, and in what amount, to
24 make a performance award under this sub-

1 paragraph shall not be subject to adminis-
2 trative or judicial review.”.

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

7 “(F) CONTINUOUS IMPROVEMENT
8 PLANS.—

9 “(i) DEFINITION OF REQUIRED PER-
10 CENTAGE.—In this subparagraph, the term
11 required percentage means—

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

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

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

19 “(ii) REQUIREMENTS.—Each school
20 year, the Secretary shall—

21 “(I) identify, using data from the
22 prior school year (including estimates
23 contained in the report required under
24 section 4301 of the Food, Conserva-
25 tion, and Energy Act of 2008 (42

1 U.S.C. 1758a)), States that directly
2 certify less than the required percent-
3 age of the total number of children in
4 the State who are eligible for direct
5 certification under this paragraph;

6 “(II) require the States identified
7 under subclause (I) to implement a
8 continuous improvement plan de-
9 scribed in clause (iii)(II) to fully meet
10 the requirements of this paragraph,
11 which shall include a plan to improve
12 direct certification for the following
13 school year; and

14 “(III) assist the States identified
15 under subclause (I) to develop and im-
16 plement a continuous improvement
17 plan in accordance with subclause
18 (II).

19 “(iii) CONTINUOUS IMPROVEMENT
20 PLANS.—

21 “(I) IN GENERAL.—A State that
22 is required to develop and implement
23 a continuous improvement plan under
24 clause (ii)(II) shall be required to sub-
25 mit the continuous improvement plan

1 to the Secretary, for the approval of
2 the Secretary.

3 “(II) REQUIREMENTS.—At a
4 minimum, a continuous improvement
5 plan described in this subclause shall
6 include—

7 “(aa) specific measures that
8 the State will use to identify
9 more children who are eligible for
10 direct certification, including im-
11 provements or modifications to
12 technology, information systems,
13 or databases;

14 “(bb) a timeline for the
15 State to implement those meas-
16 ures; and

17 “(cc) goals for the State to
18 improve direct certification re-
19 sults to become in compliance
20 with the required percentage
21 under clause (i).”.

22 (c) WITHOUT FURTHER APPLICATION.—Section
23 9(b)(4) of the Richard B. Russell National School Lunch
24 Act (42 U.S.C. 1758(b)(4)) (as amended by subsection
25 (b)) is amended by adding at the end the following:

1 “(G) WITHOUT FURTHER APPLICATION.—

2 “(i) IN GENERAL.—In this paragraph,
3 the term ‘without further application’
4 means that no action is required by the
5 household of the child.

6 “(ii) CLARIFICATION.—A requirement
7 that a household return a letter notifying
8 the household of eligibility for direct cer-
9 tification or eligibility for free school meals
10 does not meet the requirements of clause
11 (i).”.

12 **SEC. 103. DIRECT CERTIFICATION FOR CHILDREN RECEIV-**
13 **ING MEDICAID BENEFITS.**

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

17 “(15) DIRECT CERTIFICATION FOR CHILDREN
18 RECEIVING MEDICAID BENEFITS.—

19 “(A) IMPLEMENTATION.—

20 “(i) IN GENERAL.—For the school
21 year beginning on July 1, 2011, and each
22 subsequent school year, subject to para-
23 graph (6), the Secretary shall carry out a
24 program under which local educational
25 agencies in States selected pursuant to

1 clause (ii), or electing under clause (iii), to
2 participate in the program may directly
3 certify eligible children under this para-
4 graph as eligible for free lunches under
5 this Act and free breakfasts under the
6 Child Nutrition Act of 1966 (42 U.S.C.
7 1771 et seq.), without further application
8 (as defined in paragraph (4)(G)).

9 “(ii) SELECTED STATES.—The Sec-
10 retary shall select—

11 “(I) for the school year beginning
12 July 1, 2011, up to 2 States that may
13 directly certify eligible children under
14 this paragraph;

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

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

23 “(IV) for the school year begin-
24 ning July 1, 2017, up to 15 States

1 that may directly certify eligible chil-
2 dren under this paragraph; and

3 “(V) for the school year begin-
4 ning July 1, 2018, up to 25 States
5 that may directly certify eligible chil-
6 dren under this paragraph.

7 “(iii) STATE OPTION.—For the school
8 year beginning July 1, 2019, and each
9 subsequent school year, any State may
10 elect to directly certify eligible children
11 under this paragraph.

12 “(B) STATE SELECTION.—

13 “(i) IN GENERAL.—To be eligible to
14 directly certify eligible children under this
15 paragraph, a State shall submit to the Sec-
16 retary an application at such time, in such
17 manner, and containing such information
18 as the Secretary may require.

19 “(ii) CONSIDERATIONS.—In selecting
20 States under subparagraph (A)(ii), the
21 Secretary may take into consideration such
22 factors as the Secretary considers to be ap-
23 propriate, which may include—

24 “(I) the rate of direct certifi-
25 cation in such State;

1 “(II) the State’s share of individ-
2 uals who are eligible for benefits
3 under the supplemental nutrition as-
4 sistance program established under
5 the Food and Nutrition Act of 2008
6 (7 U.S.C. 2011 et seq.) who partici-
7 pate in the program, as determined by
8 the Secretary;

9 “(III) the feasibility of matching
10 data between local educational agen-
11 cies and the Medicaid program in
12 such State; and

13 “(IV) the socioeconomic profile of
14 the State or local educational agencies
15 in such State.

16 “(C) AGREEMENT.—

17 “(i) IN GENERAL.—Not later than
18 July 1 of the first school year during
19 which a State will directly certify eligible
20 children under this paragraph, a State
21 shall enter into an agreement with the
22 State agency conducting eligibility deter-
23 minations for the Medicaid program.

24 “(ii) WITHOUT FURTHER APPLICA-
25 TION.—Subject to paragraph (6), the

1 agreement described in clause (i) shall es-
2 tablish procedures under which an eligible
3 child shall be certified for free lunches
4 under this Act and free breakfasts under
5 section 4 of the Child Nutrition Act of
6 1966 (42 U.S.C. 1773), without further
7 application (as defined in paragraph
8 (4)(G)).

9 “(D) ACCESS TO DATA.—For purposes of
10 carrying out the program under this paragraph,
11 the Secretary shall have access to income and
12 program participation information from public
13 agencies administering the Medicaid program.

14 “(E) REPORT TO CONGRESS.—Not later
15 than October 1, 2014, the Secretary shall sub-
16 mit to the Committee on Education and Labor
17 of the House of Representatives and the Com-
18 mittee on Agriculture, Nutrition, and Forestry
19 of the Senate, a report that describes imple-
20 mentation of the direct certification option
21 under this paragraph.

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

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

1 “(I)(aa) who is eligible for and
2 receiving medical assistance under the
3 Medicaid program; and

4 “(bb) who is a member of a fam-
5 ily with an income as measured by the
6 Medicaid program before the applica-
7 tion of any expense, block, or other in-
8 come disregard, that does not exceed
9 133 percent of the poverty line (as de-
10 fined in section 673(2) of the Commu-
11 nity Services Block Grant Act (42
12 U.S.C. 9902(2)), including any revi-
13 sion required by such section) applica-
14 ble to a family of the size used for
15 purposes of determining eligibility for
16 the Medicaid program; or

17 “(II) who is a member of a
18 household (as that term is defined in
19 section 245.2 of title 7, Code of Fed-
20 eral Regulations (or successor regula-
21 tions) with a child described in sub-
22 clause (I).

23 “(ii) MEDICAID PROGRAM.—The term
24 ‘Medicaid program’ means the program of
25 medical assistance established under title

1 XIX of the Social Security Act (42 U.S.C.
2 1396 et seq.).

3 “(G) FUNDING.—

4 “(i) IN GENERAL.—On October 1,
5 2010, out of any funds in the Treasury not
6 otherwise appropriated, the Secretary of
7 the Treasury shall transfer to the Sec-
8 retary to carry out subparagraph (E)
9 \$1,000,000, to remain available until ex-
10 pended.

11 “(ii) RECEIPT AND ACCEPTANCE.—
12 The Secretary shall be entitled to receive,
13 shall accept, and shall use to carry out
14 subparagraph (E) the funds transferred
15 under clause (i), without further appro-
16 priation.”.

17 (b) DOCUMENTATION.—Section 9(d)(2) of the Rich-
18 ard B. Russell National School Lunch Act (42 U.S.C.
19 1758(d)(2)) (as amended by section 101(c)) is amended—

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

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

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

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

5 **SEC. 104. ELIMINATING INDIVIDUAL APPLICATIONS**
6 **THROUGH COMMUNITY ELIGIBILITY.**

7 (a) UNIVERSAL MEAL SERVICE IN HIGH POVERTY
8 AREAS.—

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

13 “(F) UNIVERSAL MEAL SERVICE IN HIGH
14 POVERTY AREAS.—

15 “(i) DEFINITION OF IDENTIFIED STU-
16 DENTS.—For purposes of this subpara-
17 graph, the term ‘identified students’ means
18 students certified as eligible for free or re-
19 duced price lunch under this Act based on
20 documentation of benefit receipt or cat-
21 egorical eligibility as described in section
22 245.6a(c)(2) of title 7, Code of Federal
23 Regulations (or successor regulations).

24 “(ii) ELECTION OF SPECIAL ASSIST-
25 ANCE PAYMENTS.—

1 “(I) IN GENERAL.—A local edu-
2 cational agency may, for all schools in
3 the agency or on behalf of certain
4 schools in the agency, elect to receive
5 special assistance payments under this
6 subparagraph in lieu of special assist-
7 ance payments otherwise made avail-
8 able under this paragraph based on
9 applications for free and reduced price
10 lunches if—

11 “(aa) during a period of 4
12 successive school years, the local
13 educational agency elects to serve
14 all children in the applicable
15 schools free lunches and break-
16 fasts under the school lunch pro-
17 gram under this Act and the
18 school breakfast program estab-
19 lished under section 4 of the
20 Child Nutrition Act of 1966 (42
21 U.S.C. 1773);

22 “(bb) the local educational
23 agency pays, from sources other
24 than Federal funds, the costs of
25 serving the lunches or breakfasts

1 that are in excess of the value of
2 assistance received under this Act
3 and the Child Nutrition Act of
4 1966 (42 U.S.C. 1771 et seq.);

5 “(cc) the local educational
6 agency is not a residential child
7 care institution (as that term is
8 used in section 210.2 of title 7,
9 Code of Federal Regulations (or
10 successor regulations)); and

11 “(dd) during the school year
12 prior to the first year of the pe-
13 riod for which the local edu-
14 cational agency elects to receive
15 special assistance payments
16 under this subparagraph, the
17 local educational agency or school
18 had a percentage of enrolled stu-
19 dents who were identified stu-
20 dents that meets or exceeds the
21 threshold described in clause
22 (viii).

23 “(II) ELECTION TO STOP RE-
24 CEIVING PAYMENTS.—A local edu-
25 cational agency may, for all schools in

1 the agency or on behalf of certain
2 schools in the agency, elect to stop re-
3 ceiving special assistance payments
4 under this subparagraph for the fol-
5 lowing school year by notifying the
6 State agency not later than June 30
7 of the current school year of the in-
8 tention to stop receiving special assist-
9 ance payments under this subpara-
10 graph.

11 “(III) OTHER FEDERAL PRO-
12 GRAMS.—A local educational agency
13 that elects to receive special payments
14 under this subparagraph for all
15 schools in the agency or on behalf of
16 certain schools in the agency, such
17 agency may use the data described in
18 clause (iv) or (v), as applicable, to
19 make eligibility or allocation deter-
20 minations for the purposes of other
21 Federal programs that utilize free and
22 reduced price lunch data for eligibility
23 determinations, including the program
24 providing discounts to schools under

1 section 254(h) of the Communications
2 Act of 1934.

3 “(iii) FIRST YEAR OF OPTION.—

4 “(I) SPECIAL ASSISTANCE PAY-
5 MENT.—For each month of the first
6 school year of the 4-year period dur-
7 ing which a school or local educational
8 agency elects to receive payments
9 under this subparagraph, special as-
10 sistance payments at the rate for free
11 meals shall be made under this sub-
12 paragraph for a percentage of all re-
13 imburseable meals served in an amount
14 equal to the product obtained by mul-
15 tiplying—

16 “(aa) the multiplier de-
17 scribed in clause (vii); by

18 “(bb) the percentage of
19 identified students at the school
20 or local educational agency as of
21 April 1 of the prior school year,
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 “(iv) SECOND, THIRD, OR FOURTH
4 YEAR OF OPTION.—

5 “(I) SPECIAL ASSISTANCE PAY-
6 MENT.—For each month of the sec-
7 ond, third, or fourth school year of
8 the 4-year period during which a
9 school or local educational agency
10 elects to receive payments under this
11 subparagraph, special assistance pay-
12 ments at the rate for free meals shall
13 be made under this subparagraph for
14 a percentage of all reimbursable meals
15 served in an amount equal to the
16 product obtained by multiplying—

17 “(aa) the multiplier de-
18 scribed in clause (vii); by

19 “(bb) the higher of the per-
20 centage of identified students at
21 the school or local educational
22 agency as of April 1 of the prior
23 school year or the percentage of
24 identified students at the school
25 or local educational agency as of

1 April 1 of the school year prior to
2 the first year that the school or
3 local educational agency elected
4 to receive special assistance pay-
5 ments under this subparagraph,
6 up to a maximum of 100 percent.

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

12 “(v) GRACE YEAR.—

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

1 “(II) SPECIAL ASSISTANCE PAY-
2 MENT.—For each month of a grace
3 year, special assistance payments at
4 the rate for free meals shall be made
5 under this subparagraph for a per-
6 centage of all reimbursable meals
7 served in an amount equal to the
8 product obtained by multiplying—

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

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

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

21 “(vi) APPLICATIONS.—A school or
22 local educational agency that receives spe-
23 cial assistance payments under this sub-
24 paragraph may not be required to collect

1 applications for free and reduced price
2 lunches.

3 “(vii) MULTIPLIER.—

4 “(I) PHASE-IN.—For each school
5 year beginning on or before July 1,
6 2013, the multiplier shall be 1.6.

7 “(II) FULL IMPLEMENTATION.—

8 For each school year beginning on or
9 after July 1, 2014, for a local edu-
10 cational agency that makes the elec-
11 tion described in clause (ii), on behalf
12 of all schools in the agency or on be-
13 half of certain schools in the agency,
14 for a new period of 4 years, in consid-
15 eration of the finding of the report re-
16 quired under clause (xii), the Sec-
17 retary may use—

18 “(aa) a multiplier between
19 1.3 and 1.6; and

20 “(bb) subject to item (aa), a
21 different multiplier for different
22 schools or local educational agen-
23 cies.

24 “(viii) THRESHOLD.—

1 “(I) PHASE-IN.—For each school
2 year beginning on or before July 1,
3 2013, the threshold shall be 40 per-
4 cent.

5 “(II) FULL IMPLEMENTATION.—
6 For each school year beginning on or
7 after July 1, 2014, the Secretary may
8 use a threshold that is less than 40
9 percent.

10 “(ix) PHASE-IN.—

11 “(I) IN GENERAL.—In selecting
12 States for participation during the
13 phase-in period, the Secretary shall
14 select States with an adequate num-
15 ber and variety of schools and local
16 educational agencies that could ben-
17 efit from the option under this sub-
18 paragraph, as determined by the Sec-
19 retary.

20 “(II) LIMITATION.—The Sec-
21 retary may not approve additional
22 schools and local educational agencies
23 to receive special assistance payments
24 under this subparagraph after the

1 Secretary has approved schools and
2 local educational agencies in—

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

6 “(bb) for each of the school
7 years beginning July 1, 2012 and
8 July 1, 2013, an additional 4
9 States per school year.

10 “(x) ELECTION OF OPTION.—

11 “(I) IN GENERAL.—For each
12 school year beginning on or after July
13 1, 2014, any local educational agency
14 eligible to make the election described
15 in clause (ii) for all schools in the
16 agency or on behalf of certain schools
17 in the agency may elect to receive spe-
18 cial assistance payments under clause
19 (iii) for the next school year if, not
20 later than June 30 of the current
21 school year, the local educational
22 agency submits to the State agency
23 the percentage of identified students
24 at the school or local educational
25 agency.

1 “(II) STATE AGENCY NOTIFICA-
2 TION.—Not later than May 1 of each
3 school year beginning on or after July
4 1, 2011, each State agency with
5 schools or local educational agencies
6 that may be eligible to elect to receive
7 special assistance payments under this
8 subparagraph shall notify—

9 “(aa) each local educational
10 agency that meets or exceeds the
11 threshold described in clause
12 (viii) that the local educational
13 agency is eligible to elect to re-
14 ceive special assistance payments
15 under clause (iii) for the next 4
16 school years, of the blended reim-
17 bursement rate the local edu-
18 cational agency would receive
19 under clause (iii), and of the pro-
20 cedures for the local educational
21 agency to make the election;

22 “(bb) each local educational
23 agency that receives special as-
24 sistance payments under clause
25 (iii) of the blended reimburse-

1 ment rate the local educational
2 agency would receive under
3 clause (iv);

4 “(cc) each local educational
5 agency in the fourth year of
6 electing to receive special assist-
7 ance payments under this sub-
8 paragraph that does not meet the
9 threshold described in clause
10 (viii) but that meets or exceeds a
11 percentage that is 10 percentage
12 points lower than the threshold
13 described in clause (viii) and that
14 receives special assistance pay-
15 ments under clause (iv), that the
16 local educational agency may
17 continue to receive such pay-
18 ments for the next school year, of
19 the blended reimbursement rate
20 the local educational agency
21 would receive under clause (v),
22 and of the procedures for the
23 local educational agency to make
24 the election; and

1 “(dd) each local educational
2 agency that does not meet the
3 threshold described in clause
4 (viii) but that meets or exceeds a
5 percentage that is 10 percentage
6 points lower than the threshold
7 described in clause (viii) that the
8 local educational agency may be
9 eligible to elect to receive special
10 assistance payments under clause
11 (iii) if the threshold described in
12 clause (viii) is met by April 1 of
13 the school year or if the thresh-
14 old is met for a subsequent
15 school year.

16 “(III) PUBLIC NOTIFICATION OF
17 LOCAL EDUCATIONAL AGENCIES.—
18 Not later than May 1 of each school
19 year beginning on or after July 1,
20 2011, each State agency with 1 or
21 more schools or local educational
22 agencies eligible to elect to receive
23 special assistance payments under
24 clause (iii) shall submit to the Sec-
25 retary, and the Secretary shall pub-

1 lish, lists of the local educational
2 agencies receiving notices under sub-
3 clause (II).

4 “(IV) PUBLIC NOTIFICATION OF
5 SCHOOLS.—Not later than May 1 of
6 each school year beginning on or after
7 July 1, 2011, each local educational
8 agency in a State with 1 or more
9 schools eligible to elect to receive spe-
10 cial assistance payments under clause
11 (iii) shall submit to the State agency,
12 and the State agency shall publish—

13 “(aa) a list of the schools
14 that meet or exceed the threshold
15 described in clause (viii);

16 “(bb) 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) and that are in the
23 fourth year of receiving special
24 assistance payments under clause
25 (iv); and

1 “(cc) a list of the schools
2 that do not meet the threshold
3 described in clause (viii) but that
4 meet or exceed a percentage that
5 is 10 percentage points lower
6 than the threshold described in
7 clause (viii).

8 “(xi) IMPLEMENTATION.—

9 “(I) GUIDANCE.—Not later than
10 90 days after the date of enactment of
11 this subparagraph, the Secretary shall
12 issue guidance to implement this sub-
13 paragraph.

14 “(II) REGULATIONS.—Not later
15 than December 31, 2013, the Sec-
16 retary shall promulgate regulations
17 that establish procedures for State
18 agencies, local educational agencies,
19 and schools to meet the requirements
20 of this subparagraph, including exer-
21 cising the option described in this sub-
22 paragraph.

23 “(III) PUBLICATION.—If the
24 Secretary uses the authority provided
25 in clause (vii)(II)(bb) to use a dif-

1 ferent multiplier for different schools
2 or local educational agencies, for each
3 school year beginning on or after July
4 1, 2014, not later than April 1, 2014,
5 the Secretary shall publish on the
6 website of the Secretary a table that
7 indicates—

8 “(aa) each local educational
9 agency that may elect to receive
10 special assistance payments
11 under clause (ii);

12 “(bb) the blended reimburse-
13 ment rate that each local edu-
14 cational agency would receive;
15 and

16 “(cc) an explanation of the
17 methodology used to calculate the
18 multiplier or threshold for each
19 school or local educational agen-
20 cy.

21 “(xii) REPORT.—Not later than De-
22 cember 31, 2013, the Secretary shall pub-
23 lish and submit to the Committee on Edu-
24 cation and Labor of the House of Rep-
25 resentatives and the Committee on Agri-

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

3 “(I) an estimate of the number
4 of schools and local educational agen-
5 cies eligible to elect to receive special
6 assistance payments under this sub-
7 paragraph that do not elect to receive
8 the payments;

9 “(II) for schools and local edu-
10 cational agencies described in sub-
11 clause (I)—

12 “(aa) barriers to participa-
13 tion in the special assistance op-
14 tion under this subparagraph, as
15 described by the nonparticipating
16 schools and local educational
17 agencies; and

18 “(bb) changes to the special
19 assistance option under this sub-
20 paragraph that would make eligi-
21 ble schools and local educational
22 agencies more likely to elect to
23 receive special assistance pay-
24 ments;

1 “(III) for schools and local edu-
2 cational agencies that elect to receive
3 special assistance payments under this
4 subparagraph—

5 “(aa) the number of schools
6 and local educational agencies;

7 “(bb) an estimate of the per-
8 centage of identified students and
9 the percentage of enrolled stu-
10 dents who were certified to re-
11 ceive free or reduced price meals
12 in the school year prior to the
13 election to receive special assist-
14 ance payments under this sub-
15 paragraph, and a description of
16 how the ratio between those per-
17 centages compares to 1.6;

18 “(cc) an estimate of the
19 number and share of schools and
20 local educational agencies in
21 which more than 80 percent of
22 students are certified for free or
23 reduced price meals that elect to
24 receive special assistance pay-
25 ments under that clause; and

1 “(dd) whether any of the
2 schools or local educational agen-
3 cies stopped electing to receive
4 special assistance payments
5 under this subparagraph;

6 “(IV) the impact of electing to
7 receive special assistance payments
8 under this subparagraph on—

9 “(aa) program integrity;

10 “(bb) whether a breakfast
11 program is offered;

12 “(cc) the type of breakfast
13 program offered;

14 “(dd) the nutritional quality
15 of school meals; and

16 “(ee) program participation;
17 and

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

25 “(xiii) FUNDING.—

1 “(I) IN GENERAL.—On October
2 1, 2010, out of any funds in the
3 Treasury not otherwise appropriated,
4 the Secretary of the Treasury shall
5 transfer to the Secretary to carry out
6 clause (xii) \$5,000,000, to remain
7 available until September 30, 2014.

8 “(II) RECEIPT AND ACCEPT-
9 ANCE.—The Secretary shall be enti-
10 tled to receive, shall accept, and shall
11 use to carry out clause (xii) the funds
12 transferred under subclause (I), with-
13 out further appropriation.”.

14 (2) CONFORMING AMENDMENTS.—Section
15 11(a)(1)(B) of the Richard B. Russell National
16 School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is
17 amended by striking “or (E)” and inserting “(E), or
18 (F)”.

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

23 “(g) UNIVERSAL MEAL SERVICE THROUGH SOCIO-
24 ECONOMIC DATA.—

1 “(1) IN GENERAL.—To the maximum extent
2 practicable, the Secretary shall identify alternatives
3 to—

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

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

12 “(2) ALTERNATIVE METHODS.—

13 “(A) IN GENERAL.—Alternatives under
14 paragraph (1) shall—

15 “(i) consider the recommendations of
16 the Committee on National Statistics of
17 the National Academy of Sciences relating
18 to use of the American Community Survey
19 of the Bureau of the Census and other
20 data sources; and

21 “(ii) include a method based on a
22 periodic socioeconomic survey of house-
23 holds of children attending school in a
24 school food authority that meets the re-
25 quirements of subparagraph (E).

1 “(B) USE OF ALTERNATIVE METHODS.—
2 At the discretion of the Secretary, alternative
3 methods described in subparagraph (A) that
4 provide accurate and effective means of pro-
5 viding meal reimbursement consistent with the
6 eligibility status of students may be—

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

9 “(I) to serve all breakfasts and
10 lunches at no charge to students in
11 accordance with regulations issued by
12 the Secretary; and

13 “(II) to pay, from sources other
14 than Federal funds, the costs of serv-
15 ing any lunches and breakfasts that
16 are in excess of the value of assistance
17 received under this Act or the Child
18 Nutrition Act of 1966 (42 U.S.C.
19 1771 et seq.) with respect to the num-
20 ber of lunches and breakfasts served
21 during the applicable period; or

22 “(ii) further tested through dem-
23 onstration projects carried out by the Sec-
24 retary in accordance with subparagraph
25 (C).

1 “(C) DEMONSTRATION PROJECTS.—

2 “(i) IN GENERAL.—For the purpose
3 of carrying out demonstration projects de-
4 scribed in subparagraph (B), the Secretary
5 may waive any requirement of this Act re-
6 lating to—

7 “(I) counting of meals provided
8 by school lunch or breakfast pro-
9 grams;

10 “(II) applications for eligibility
11 for free or reduced priced meals; or

12 “(III) required direct certifi-
13 cation under section 9(b)(4).

14 “(ii) NUMBER OF PROJECTS.—The
15 Secretary may—

16 “(I) carry out the demonstration
17 projects using data from the Amer-
18 ican Community Survey described in
19 subparagraph (A)(i) in not more than
20 5 local educational agencies; and

21 “(II) carry out the demonstration
22 projects using socioeconomic survey
23 data in not more than 3 local edu-
24 cational agencies.

1 “(iii) LIMITATION.—A demonstration
2 project carried out under this paragraph
3 shall have a duration of not more than 3
4 years.

5 “(iv) EVALUATION.—Not later than 4
6 years after implementing a demonstration
7 project under this paragraph, the Sec-
8 retary, using comparisons with local edu-
9 cational agencies with similar demographic
10 characteristics, shall evaluate each dem-
11 onstration project carried out under this
12 paragraph, which shall include an evalua-
13 tion of—

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

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

4 “(III) the effect of the 1 or more
5 methodologies adopted on administra-
6 tion of programs under those Acts;
7 and

8 “(IV) such other matters as the
9 Secretary determines to be appro-
10 prium.

11 “(v) REPORT.—Not later than 90
12 days after the completion of the evaluation
13 under clause (iv), the Secretary shall sub-
14 mit to the Committee on Education and
15 Labor of the House of Representatives and
16 the Committee on Agriculture, Nutrition,
17 and Forestry of the Senate, a report that
18 describes the results of such evaluation.

19 “(D) IMPLEMENTATION PRIORITY.—The
20 Secretary shall give priority consideration for
21 the implementation of a socioeconomic survey
22 method described in subparagraph (A)(ii) by a
23 local educational agency that uses data from a
24 socioeconomic survey as an alternative to daily

1 counting and claiming on or after the date of
2 enactment of this paragraph.

3 “(E) SOCIOECONOMIC SURVEY PARAM-
4 ETTERS.—The Secretary shall establish require-
5 ments for, and approve, any alternative method
6 that is implemented, or tested through a dem-
7 onstration project under this paragraph, using
8 socioeconomic survey data which, at a min-
9 imum, shall—

10 “(i) be based on a socioeconomic sur-
11 vey, using generally accepted statistical
12 methods, that is designed, developed, and
13 implemented using funds from non-Federal
14 sources;

15 “(ii) be consistent with the Office of
16 Management and Budget Standards and
17 Guidelines for Statistical Surveys;

18 “(iii) ensure that the survey is drawn
19 from a complete, comprehensive, and accu-
20 rate list of households of students enrolled
21 in the schools to which the results will be
22 applied;

23 “(iv) include a scientifically rigorous
24 implementation plan to achieve an overall
25 response rate of at least 80 percent and an

1 item response rate of at least 70 percent
2 for any item in the survey used to deter-
3 mine free and reduced price eligibility of
4 students enrolled in the schools to which
5 the results will be applied;

6 “(v) provide a plan for an alternative
7 method of counting and claiming reimburs-
8 able meals if the socioeconomic survey fails
9 to meet the minimum requirements estab-
10 lished by the Secretary; and

11 “(vi) reflect any additional criteria as
12 established by the Secretary.”.

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

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

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

18 “(a) IN GENERAL.—The Secretary shall carry out a
19 program to assist 5 States through grants-in-aid and other
20 means, awarded on a competitive basis, to provide meals
21 and supplements (in this section referred to as an ‘out-
22 of-school meal service’) to eligible children participating
23 in out-of-school programs sponsored by eligible elementary
24 and secondary schools.

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

4 “(1) demonstrate administrative and oper-
5 ational capacity to oversee, based on criteria estab-
6 lished by the Secretary, an out-of-school meal serv-
7 ice;

8 “(2) demonstrate support for out-of-school pro-
9 grams;

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

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

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

21 “(d) REIMBURSEMENT.—

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

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

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

11 “(C) served without charge.

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

16 “(A) in the case of a meal, reimbursed at
17 the rate at which free meals are reimbursed
18 under section 4 and 11 of this Act or section
19 4(b) of the Child Nutrition Act of 1966 (42
20 U.S.C. 1773(b)), as adjusted pursuant to sec-
21 tion 11(a)(3) of this Act; and

22 “(B) in the case of a supplement, reim-
23 bursed at the rate in which free supplements
24 are reimbursed under section 17(c)(3), as ad-
25 justed pursuant to section 11(a)(3).

1 “(g) REIMBURSEMENT LIMITATION.—An eligible ele-
2 mentary or secondary school may not claim reimburse-
3 ment for the same meals served under this section, section
4 17A, section 13(a)(11), or section 17(r) on the same day.

5 “(h) OPERATIONAL REQUIREMENTS.—The Secretary
6 shall establish requirements governing the operation of the
7 out-of-school meal service authorized under this section to
8 ensure that the meal service is operated in conformance
9 with applicable operational and oversight requirements.

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

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

18 “(2) the monitoring and oversight requirements
19 governing the operation of the meal service;

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

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

1 “(j) DEFINITIONS.—For purposes of this section:

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

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

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

16 “(A) operates school lunch programs under
17 this Act; and

18 “(B) sponsors out-of-school programs at
19 sites that provide an educational or enrichment
20 purpose during—

21 “(i) the extended-school day, week, or
22 school year; or

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

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

4 “(A) during non-school hours or periods
5 when school is not in session, such as before or
6 after school;

7 “(B) during any period that is an exten-
8 sion of the school day, school week, or school
9 year; and

10 “(C) on weekends, holidays, and during
11 school breaks and vacations.”.

12 (b) CONFORMING AMENDMENT.—

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

18 “(3) LIMITATION.—An eligible elementary or
19 secondary school may not claim reimbursement for
20 the same meals served under this section, section
21 17B, section 13(a)(11), or section 17(r) on the same
22 day.”.

23 (2) PROGRAM FOR AT-RISK SCHOOL CHIL-
24 DREN.—Section 17(r)(4) of the Richard B. Russell

1 National School Lunch Act (42 U.S.C. 1766(r)(D))
2 is amended by adding at the end the following:

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

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

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

12 “(f) GRANTS FOR EXPANSION OF SCHOOL BREAK-
13 FAST PROGRAMS.—

14 “(1) ESTABLISHMENT.—

15 “(A) IN GENERAL.—The Secretary shall
16 establish a program to award grants, on a com-
17 petitive basis, to State educational agencies for
18 the purpose of providing subgrants to local edu-
19 cational agencies for qualifying schools or
20 groups of qualifying schools to establish or ex-
21 pand the school breakfast program at the quali-
22 fying schools.

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

1 “(i) develop an appropriate competi-
2 tive application process; and

3 “(ii) make information available to
4 State educational agencies concerning the
5 availability of funds under this subsection.

6 “(C) BEST PRACTICES.—

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

15 “(ii) REQUIREMENT.—In awarding
16 subgrants under paragraph (3), a State
17 educational agency may award such sub-
18 grants only to local educational agencies
19 for qualifying schools or groups of quali-
20 fying schools that have adopted, or provide
21 assurances that the subgrant funds will be
22 used to adopt, the most effective mecha-
23 nisms identified by the Secretary under
24 clause (i).

1 “(D) LOW-INCOME SCHOOL OUTREACH
2 AND PRIORITY.—

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

15 “(ii) PRIORITY.—In awarding sub-
16 grants under paragraph (3), a State edu-
17 cational agency shall give priority to local
18 educational agencies with qualifying
19 schools in which at least 75 percent of the
20 students are eligible for free or reduced-
21 price school lunches under the school lunch
22 program established under the Richard B.
23 Russell National School Lunch Act (42
24 U.S.C. 1751 et seq.).

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

7 “(3) SUBGRANTS TO LOCAL EDUCATIONAL
8 AGENCIES.—

9 “(A) IN GENERAL.—A State educational
10 agency that receives a grant under this sub-
11 section—

12 “(i) shall use the grant funds to pro-
13 vide subgrants to local educational agen-
14 cies for qualifying schools or groups of
15 qualifying schools; and

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

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

23 “(i) to provide training and technical
24 assistance to the staff of qualifying
25 schools;

1 “(ii) to provide promotional materials
2 to students enrolled in qualifying schools
3 and the families of such students to en-
4 courage participation in the school break-
5 fast program;

6 “(iii) to purchase equipment needed to
7 provide breakfast service outside the cafe-
8 teria at qualifying schools;

9 “(iv) for additional local educational
10 agency supervisory personnel to assist with
11 implementation or expansion of the school
12 breakfast program at qualifying schools; or

13 “(v) other effective mechanisms iden-
14 tified by the Secretary under paragraph
15 (1)(C)(i).

16 “(C) MAXIMUM AMOUNT.—The amount of
17 a subgrant provided under this subsection by a
18 State educational agency to a local educational
19 agency for qualifying schools or a group of
20 qualifying schools shall not exceed \$10,000 for
21 each school year.

22 “(D) MAXIMUM GRANT TERM.—A State
23 educational agency shall not provide subgrants
24 under this subsection to a local educational

1 agency for qualifying schools or groups of quali-
2 fying schools for more than 2 years.

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

7 “(5) FUNDING.—

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

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—Summer Food Service**
20 **Program**

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

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

1 “(7) PRIVATE NONPROFIT ORGANIZATIONS.—

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

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

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

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

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

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

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

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

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

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

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

13 “(11) OUTREACH TO ELIGIBLE FAMILIES.—

14 “(A) IN GENERAL.—The Secretary shall
15 provide funds to each State agency that admin-
16 isters the national school lunch program under
17 this Act to require each such State agency to
18 ensure that, to the maximum extent practicable,
19 school food authorities participating in the
20 school lunch program under this Act cooperate
21 with participating service institutions to dis-
22 tribute materials to inform families of—

23 “(i) the availability and location of
24 summer food service program meals served
25 under this section; and

1 “(ii) the availability of reimbursable
2 breakfasts served under the school break-
3 fast program established under section 4 of
4 the Child Nutrition Act of 1966 (42
5 U.S.C. 1773).

6 “(B) FORM.—The materials described in
7 subparagraph (A) shall be in a form and, to the
8 maximum extent practicable, language easily
9 understandable by families receiving such mate-
10 rials.

11 “(C) INFORMATION DISTRIBUTION.—Infor-
12 mational activities carried out under subpara-
13 graph (A) may include—

14 “(i) the development or dissemination
15 of printed materials, to be distributed to
16 all school children or the families of school
17 children prior to the end of the school
18 year, that inform families of the avail-
19 ability and location of summer food service
20 program meals;

21 “(ii) the development or dissemination
22 of materials, to be distributed using elec-
23 tronic means to all school children or the
24 families of school children prior to the end
25 of the school year, that inform families of

1 the availability and location of summer
2 food service program meals; and

3 “(iii) such other activities as are ap-
4 proved by the applicable State agency to
5 promote the availability and location of
6 summer food service program meals to
7 school children and the families of school
8 children.

9 “(D) MULTIPLE STATE AGENCIES.—If the
10 State agency administering the program under
11 this section is not the same State agency that
12 administers the school lunch program under
13 this Act, the 2 State agencies shall work coop-
14 eratively to implement this paragraph.”.

15 **SEC. 113. SUMMER FOOD SERVICE PROGRAM YEAR-ROUND**
16 **OPTION.**

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

21 “(11) SUMMER FOOD SERVICE PROGRAM YEAR-
22 ROUND OPTION.—

23 “(A) IN GENERAL.—From the amounts
24 appropriated under subparagraph (I), the Sec-
25 retary is authorized to carry out a program to

1 provide, on a competitive basis, not more than
2 10 States with reimbursements for meals and
3 supplements served, under the year-round op-
4 tion of the program under this section as au-
5 thorized under this paragraph, by service insti-
6 tutions that are described in paragraph (6) (ex-
7 cluding public schools) and private nonprofit or-
8 ganizations described in paragraph (7).

9 “(B) ASSISTANCE REQUIREMENT.—In pro-
10 viding assistance under this paragraph, the Sec-
11 retary shall award assistance under this section
12 to a State that has carried out year-round serv-
13 ices under section 18(h) (as in effect on the day
14 before the date of the enactment of the Improv-
15 ing Nutrition for America’s Children Act.

16 “(C) PRIORITY CONSIDERATION.—In pro-
17 viding assistance under this paragraph, the Sec-
18 retary shall give priority consideration to States
19 that—

20 “(i) demonstrate administrative and
21 operational capacity to oversee an effective
22 year-round program option under this
23 paragraph based on criteria established by
24 the Secretary;

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

8 “(iii) demonstrate support for after-
9 school and summer programming; and

10 “(iv) meet other such considerations
11 as determined by the Secretary.

12 “(D) PARTICIPATION CRITERIA.—A service
13 institution may participate in the year-round
14 program option under this paragraph if the in-
15 stitution provides meals or supplements under a
16 program that—

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

19 “(I) during before- or after-
20 school hours;

21 “(II) on weekends; or

22 “(III) during school holidays and
23 vacations; and

24 “(ii) is located in an area in which
25 poor economic conditions exist.

1 “(E) ENRICHMENT PROGRAMMING.—The
2 Secretary shall encourage service institutions
3 participating in the program option under this
4 paragraph to provide enrichment or educational
5 programming with meal service.

6 “(F) TERMS AND CONDITIONS.—

7 “(i) ADMINISTRATIVE REQUIRE-
8 MENTS.—Except as otherwise provided in
9 this paragraph, service institutions shall be
10 eligible for the year-round program option
11 under this paragraph under the same
12 terms and conditions for participating in
13 the program under this section.

14 “(ii) MEAL LIMITS.—In addition to
15 being eligible for reimbursement for meals
16 described in subsection (b)(2) served dur-
17 ing each day of operation during the peri-
18 ods described in subsection (c)(1), service
19 institutions participating in the year-round
20 program option under this paragraph may
21 be reimbursed for up to 1 meal and 1 sup-
22 plement per child served during each day
23 of operation during the regular school cal-
24 endar.

25 “(iii) REIMBURSEMENT.—

1 “(I) IN GENERAL.—A service in-
2 stitution participating in the year-
3 round program option under this
4 paragraph shall be reimbursed con-
5 sistent with subsection (b)(1). All
6 meals and supplements served under
7 the program option under this para-
8 graph shall be served without charge.

9 “(II) LIMITATION.—A service in-
10 stitution may not claim reimburse-
11 ment for the same meals served under
12 this paragraph, section 17A, section
13 17B, or section 17(r) on the same
14 day.

15 “(III) ELIGIBLE CHILDREN.—
16 Reimbursement may be provided
17 under this paragraph only for the
18 same meals and supplements served to
19 children who are not more than 18
20 years of age, except that the age limi-
21 tation provided by this subclause shall
22 not apply to a child described in sec-
23 tion 12(d)(1)(A).

24 “(G) OPERATIONAL REQUIREMENTS.—The
25 Secretary shall establish applicable monitoring

1 and oversight requirements governing the year-
2 round program option under this paragraph to
3 ensure appropriate compliance and account-
4 ability requirements for meal service provided
5 under the program option under this para-
6 graph.

7 “(H) REPORT.—Not later than 4 years
8 after the date of the enactment of this para-
9 graph, the Secretary shall submit to the Com-
10 mittee on Education and Labor of the House of
11 Representatives and the Committee on Agri-
12 culture, Nutrition, and Forestry of the Senate
13 a report that describes—

14 “(i) the impact of this paragraph on
15 participation in the program option under
16 this section during the summer months
17 and during the regular school year;

18 “(ii) the monitoring and oversight re-
19 quirements governing the operation of the
20 program option under this paragraph;

21 “(iii) the financial and administrative
22 impact to service institutions participating
23 in the program option under this para-
24 graph; and

1 “(iv) any recommendations by the
2 Secretary concerning the operation and ad-
3 ministration of the program option under
4 this paragraph.

5 “(I) FUNDING.—There are authorized to
6 be appropriated, and there are appropriated,
7 out of any money in the Treasury not otherwise
8 appropriated, for the Secretary to carry out this
9 section, such sums as may be necessary for
10 each of fiscal years 2011 through 2015.”.

11 **SEC. 114. RURAL ACCESS TO SUMMER FOOD SERVICE PRO-**
12 **GRAM.**

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

15 (1) in the header, by striking “EXEMPTION”
16 and inserting “APPLICABILITY TO RURAL
17 AREAS”;

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

22 (3) in subparagraph (B)(iii), by striking
23 “2008” and inserting “2014”; and

24 (4) by striking clause (iv).

1 **Subtitle C—Child and Adult Care**
2 **Food Program**

3 **SEC. 121. SIMPLIFYING AREA ELIGIBILITY DETERMINA-**
4 **TIONS IN THE CHILD AND ADULT CARE FOOD**
5 **PROGRAM.**

6 Section 17(f)(3)(A)(ii)(I)(bb) of the Richard B. Rus-
7 sell National School Lunch Act (42 U.S.C.
8 1766(f)(3)(A)(ii)(I)(bb)) is amended by striking “elemen-
9 tary”.

10 **SEC. 122. CHILD AND ADULT CARE FOOD PROGRAM REIM-**
11 **BURSEMENT.**

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

15 “(B) REIMBURSEMENT.—

16 “(i) IN GENERAL.—No reimbursement
17 may be made to any institution under this
18 paragraph, or to any family or group day
19 care home sponsoring organization under
20 paragraph (3) of this subsection—

21 “(I) for more than 2 meals and
22 1 supplement per day per child; and

23 “(II) for children who are main-
24 tained in child care for 8 hours or
25 more per day, for 1 additional meal or

1 supplement for each such child per
2 day.

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

12 “(I) demonstrate administrative
13 and operational capacity to oversee
14 the additional meal service under this
15 subparagraph based on criteria estab-
16 lished by the Secretary;

17 “(II) provide a plan for outreach
18 and implementation to reach children
19 who are maintained in child care for
20 8 or more hours per day; and

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

23 “(iii) OPERATIONAL REQUIRE-
24 MENTS.—The Secretary shall establish re-
25 quirements to ensure that meal services

1 are operated in conformance with applica-
2 ble operational and oversight requirements
3 determined by the Secretary.

4 “(iv) REPORTING.—Not later than 4
5 years after the date of the enactment of
6 this subparagraph, 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, a report that describes—

11 “(I) the impact of the additional
12 meal service option under this sub-
13 paragraph on participation in the pro-
14 gram under this section;

15 “(II) the monitoring and over-
16 sight requirements for administering
17 an additional meal service for children
18 in care for more than 8 hours per
19 day;

20 “(III) the financial and adminis-
21 trative impact to service institutions
22 participating in the program under
23 this section; and

1 “(IV) any additional information
2 or legislative recommendations, as de-
3 termined by the Secretary.”.

4 **Subtitle D—Special Supplemental**
5 **Nutrition Program for Women,**
6 **Infants, and Children**

7 **SEC. 131. CERTIFICATION PERIODS.**

8 Section 17(d)(3)(A) of the Child Nutrition Act of
9 1966 (42 U.S.C. 1786(d)(3)(A)) is amended by adding at
10 the end the following:

11 “(iii) CHILDREN.—A State may elect
12 to certify participant children for a period
13 of up to 1 year, if the State electing the
14 option provided under this clause ensures
15 that participant children receive required
16 health and nutrition assessments.”.

17 **Subtitle E—Miscellaneous**

18 **SEC. 141. CHILDHOOD HUNGER RESEARCH.**

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

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

23 “(a) RESEARCH ON CAUSES AND CONSEQUENCES OF
24 CHILDHOOD HUNGER.—The Secretary shall conduct a re-
25 search program on—

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

3 “(2) the characteristics of households with
4 childhood hunger and food insecurity; and

5 “(3) the consequences of childhood hunger and
6 food insecurity.

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

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

11 “(2) provide grants to eligible entities.

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

14 “(1) State;

15 “(2) institution of higher education; or

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

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

23 “(e) AREAS OF INQUIRY.—The Secretary shall design
24 the research program to advance knowledge and under-

1 standing on the issues described in subsection (a), which
2 may include—

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

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

8 “(3) the extent to which—

9 “(A) existing Federal assistance programs,
10 including the Internal Revenue Code of 1986,
11 reduce childhood hunger and food insecurity;
12 and

13 “(B) childhood hunger and food insecurity
14 persist due to—

15 “(i) gaps in program coverage;

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

18 “(iii) the insufficiency of program
19 benefits or services;

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

22 “(5) an estimate of the degree to which the
23 measure of food insecurity based on the Current
24 Population Survey conducted by the Census Bureau

1 underestimates childhood hunger and food insecurity;
2 and

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

7 “(f) FUNDING.—

8 “(1) IN GENERAL.—On October 1, 2012, out of
9 any funds in the Treasury not otherwise appropriated,
10 the Secretary of the Treasury shall transfer
11 to the Secretary to carry out this section
12 \$10,000,000, to remain available until expended.

13 “(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.”.

18 **SEC. 142. STATE CHILDHOOD HUNGER CHALLENGE**
19 **GRANTS.**

20 The Richard B. Russell National School Lunch Act
21 (42 U.S.C. 1751 et seq.) is further amended by inserting
22 after section 23 (as added by section 141) the following:

1 **“SEC. 24. STATE CHILDHOOD HUNGER CHALLENGE**
2 **GRANTS.**

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

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

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

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

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

25 “(d) PROJECTS.—A Governor of a State receiving
26 funds under this section shall use such funds to carry out

1 a demonstration project based on a comprehensive and in-
2 novative strategy to end childhood hunger, including a
3 project that—

4 “(1) enhances benefits or provides for innova-
5 tive program delivery models in the Federal child
6 nutrition programs, including school meal programs,
7 afterschool or out-of-school meal service programs,
8 summer feeding programs, weekend feeding pro-
9 grams, child and adult care food programs, and the
10 Special Supplemental Nutrition Program for
11 Women, Infants, and Children established under the
12 Child Nutrition Act of 1966 (42 U.S.C. 1771 et
13 seq.).

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

16 “(3) improve the coordination of Federal, State,
17 and community resources and services aimed at
18 eliminating childhood food insecurity and hunger, in-
19 cluding Federal child nutrition programs, other Fed-
20 eral, State, or local assistance programs and serv-
21 ices, and private or nonprofit assistance efforts.

22 “(e) SELECTION CRITERIA.—

23 “(1) IN GENERAL.—The Secretary, in consulta-
24 tion with the Secretaries listed in paragraph (2),
25 shall determine the range of projects to be funded

1 under this section and evaluate applications sub-
2 mitted under subsection (c) based on publicly dis-
3 seminated criteria that may include—

4 “(A) a description of the target population,
5 including children certified as eligible for free or
6 reduced price meals under this Act or section 4
7 of the Child Nutrition Act of 1966 (42 U.S.C.
8 1771 et seq.) that are at risk of experiencing
9 hunger or food insecurity;

10 “(B) a commitment to approaches that use
11 rigorous methodologies for implementation and
12 evaluation, as described in subsection (g);

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

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

23 “(E) a partnership among public and pri-
24 vate stakeholders that demonstrates a commit-

1 ment to collaborate toward ending childhood
2 hunger through a coordinated plan;

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

9 “(G) such other criteria as are determined
10 by the Secretary.

11 “(2) CONSULTATION.—The Secretary shall con-
12 sult with—

13 “(A) the Secretary of Health and Human
14 Services;

15 “(B) the Secretary of Labor;

16 “(C) the Secretary of Education; and

17 “(D) the Secretary of Housing and Urban
18 Development.

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

22 “(1) a collaboration among key stakeholders in
23 the State, such as representatives from business,
24 nonprofits, faith- and community-based organiza-
25 tions, institutions of higher education, the philan-

1 thropic sector, and public agencies that oversee Fed-
2 eral child nutrition programs, education, housing,
3 public health, and other social service programs;

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

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

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

11 “(3) an annual budget;

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

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

19 “(g) EVALUATION.—Each Governor of a State car-
20 rying out a project with funds under this section shall
21 carry out an independent evaluation that measures and
22 evaluates the impact of any activities carried out under
23 the project on the rate of childhood food insecurity in the
24 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 policy makers, 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 PROJECT.—No Governor of a
15 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 such Governor of a State. The
21 amount of funds provided for each year shall be con-
22 tingent on the satisfactory implementation of the
23 project plan submitted under subsection (f)(2) and
24 progress towards the performance goals defined in
25 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.);

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

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

10 “(j) DEFINITIONS.—In this section:

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

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

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

18 “(A) a Governor of a State; or

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

21 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated \$50,000,000 to carry
23 out this section for fiscal years 2011 through 2015, to re-
24 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 eligible for
13 a free or reduced price meal under this Act
14 or section 4 of the Child Nutrition Act of
15 1966 (42 U.S.C. 1773); or

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

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

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

1 section 4 of the Child Nutrition Act of
2 1966 (42 U.S.C. 1773) to children—

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

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

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

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

22 “(iv) PAID MEALS.—All children who
23 are not eligible for free or reduced price
24 meals shall be offered the reimbursable
25 meal that is made available by the child’s

1 school on any day, if a child pays the paid
2 meal charge for that day, regardless of any
3 unpaid fees.

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

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

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

19 “(III) if direct certification pur-
20 suant to subclause (II) is not prac-
21 ticable or successful and such house-
22 hold does not have an approved house-
23 hold application on file with the agen-
24 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 directly certify
16 as eligible for free meals, children
17 from households that have an out-
18 standing debt owed to the local edu-
19 cational agency for a reimbursable
20 meal;

21 “(II) to collect payment from
22 children for a reimbursable meal, in-
23 cluding children from households that
24 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 reimbursable
19 meals, as determined by the Sec-
20 retary.

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

1 Forestry of the Senate a report that de-
2 scribes—

3 “(I) findings of the assessment
4 under clause (i); and

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

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

24 “(E) FURTHER ACTION.—The Secretary
25 may—

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

5 “(ii) implement national standards
6 through regulations, which shall consider—

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

9 “(II) the impact of overt identi-
10 fication on children;

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

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

19 **SEC. 144. STUDY RELATING TO THE CHILD AND ADULT**
20 **CARE FOOD PROGRAM.**

21 (a) **STUDY.**—The Secretary, acting through the Ad-
22 ministrator of the Food and Nutrition Service, shall carry
23 out a study of States participating in an afterschool at-
24 risk meal service program under the child and adult care
25 food program established under section 17(r) of the Rich-

1 and B. Russell National School Lunch Act (42 U.S.C.
2 1766).

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

7 (1) the results of the study;

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

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

14 **TITLE II—IMPROVING**
15 **NUTRITION QUALITY**
16 **Subtitle A—School Nutrition**
17 **Programs**

18 **SEC. 201. PERFORMANCE-BASED REIMBURSEMENT RATE**
19 **INCREASES FOR NEW MEAL PATTERNS.**

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

23 “(3) ADDITIONAL REIMBURSEMENT.—

24 “(A) REGULATIONS.—

1 “(i) PROPOSED REGULATIONS.—Not-
2 withstanding section 9(f), not later than
3 18 months after the date of enactment of
4 this paragraph, the Secretary shall promul-
5 gate proposed regulations to update the
6 meal patterns and nutrition standards for
7 the school lunch program authorized under
8 this Act and the school breakfast program
9 established by section 4 of the Child Nutri-
10 tion Act of 1966 (42 U.S.C. 1773) based
11 on recommendations made by the Food
12 and Nutrition Board of the National Re-
13 search Council of the National Academy of
14 Sciences.

15 “(ii) INTERIM OR FINAL REGULA-
16 TIONS.—

17 “(I) IN GENERAL.—Not later
18 than 18 months after promulgation of
19 the proposed regulations under clause
20 (i), the Secretary shall promulgate in-
21 terim or final regulations.

22 “(II) DATE OF REQUIRED COM-
23 PLIANCE.—The Secretary shall estab-
24 lish in the interim or final regulations
25 a date by which all school food au-

1 thorities participating in the school
2 lunch program authorized under this
3 Act and the school breakfast program
4 established by section 4 of the Child
5 Nutrition Act of 1966 (42 U.S.C.
6 1773) are required to comply with the
7 meal pattern and nutrition standards
8 established in the interim or final reg-
9 ulations.

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

23 “(B) PERFORMANCE-BASED REIMBURSE-
24 MENT RATE INCREASE.—Beginning on the later
25 of the date of promulgation of the interim or

1 final regulations described in subparagraph
2 (A)(ii), the date of enactment of this para-
3 graph, or October 1, 2012, the Secretary shall
4 provide additional reimbursement for each
5 lunch served in school food authorities deter-
6 mined to be eligible under subparagraph (D).

7 “(C) ADDITIONAL REIMBURSEMENT.—

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

15 “(ii) DISBURSEMENT.—The State
16 agency shall disburse funds made available
17 under this paragraph to school food au-
18 thorities eligible to receive additional reim-
19 bursement.

20 “(D) ELIGIBLE SCHOOL FOOD AUTHOR-
21 ITY.—To be eligible to receive an additional re-
22 imbursement described in this paragraph, a
23 school food authority shall be certified by the
24 State to be in compliance with the interim or

1 final regulations described in subparagraph
2 (A)(ii).

3 “(E) FAILURE TO COMPLY.—Beginning on
4 the later of the date described in subparagraph
5 (A)(ii)(II), the date of enactment of this para-
6 graph, or October 1, 2012, school food authori-
7 ties found to be out of compliance with the
8 meal patterns or nutrition standards established
9 by the interim or final regulations shall not re-
10 ceive the additional reimbursement for each
11 lunch served described in this paragraph.

12 “(F) ADMINISTRATIVE COSTS.—

13 “(i) IN GENERAL.—Subject to clauses
14 (ii) and (iii), the Secretary shall make
15 funds available to States for State activi-
16 ties related to training, technical assist-
17 ance, certification, and oversight activities
18 of this paragraph.

19 “(ii) PROVISION OF FUNDS.—The
20 Secretary shall provide funds described in
21 clause (i) to States administering a school
22 lunch program in a manner proportional
23 with each State’s administrative expense
24 allocation under section 7(a)(2) of the

1 Child Nutrition Act of 1966 (42 U.S.C.
2 1776(a)(2)).

3 “(iii) FUNDING.—

4 “(I) IN GENERAL.—In the later
5 of the fiscal year in which the interim
6 or final regulations described in sub-
7 paragraph (A)(ii) are promulgated or
8 the fiscal year in which this para-
9 graph is enacted, and in the subse-
10 quent fiscal year, the Secretary shall
11 use not more than \$50,000,000 of
12 funds made available under section 3
13 to make payments to States described
14 in clause (i).

15 “(II) RESERVATION.—In pro-
16 viding funds to States under clause
17 (i), the Secretary may reserve not
18 more than \$3,000,000 per fiscal year
19 to support Federal administrative ac-
20 tivities to carry out this paragraph.”.

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

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

1 “(i) subject to standards established
2 by the Secretary, shall offer students a va-
3 riety of fluid milk, which shall be con-
4 sistent with the most recent Dietary
5 Guidelines for Americans published under
6 section 301 of the National Nutrition Mon-
7 itoring and Related Research Act of 1990
8 (7 U.S.C. 5341);”.

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

12 “(ii) NOTICE.—The substitutions may
13 be made if the school notifies the State
14 agency that the school is implementing a
15 variation allowed under this subparagraph,
16 and if the substitution is requested by a
17 medical authority or by a student’s parent
18 or legal guardian, except that the school
19 shall not be required to provide beverages
20 other than beverages the school has identi-
21 fied as acceptable substitutes.”.

22 **SEC. 203. WATER.**

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

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

6 **SEC. 204. NUTRITION STANDARDS FOR ALL FOODS SOLD IN**
7 **SCHOOL.**

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

10 (1) by striking the section heading and all that
11 follows through “(a) The Secretary” and inserting
12 the following:

13 **“SEC. 10. REGULATIONS.**

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

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

17 “(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

18 “(1) REGULATIONS.—

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

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

3 “(i) outside the school meal programs
4 under this Act and the Richard B. Russell
5 National School Lunch Act (42 U.S.C.
6 1751 et seq.);

7 “(ii) on the school campus; and

8 “(iii) at any time during the extended
9 school day, including the official school day
10 and the time before and after the official
11 school day when events or activities are
12 primarily under the control of the school or
13 a third party on behalf of the school, ex-
14 cept for school-sponsored events or activi-
15 ties before and after the official school day
16 where parents and adults are a significant
17 proportion of the participants or the audi-
18 ence.

19 “(C) REQUIREMENTS.—In establishing nu-
20 trition standards under this paragraph, the Sec-
21 retary shall—

22 “(i) establish standards that are con-
23 sistent with the goals of the most recent
24 Dietary Guidelines for Americans pub-
25 lished under section 301 of the National

1 Nutrition Monitoring and Related Re-
2 search Act of 1990 (7 U.S.C. 5341) (in
3 this subsection referred to as the ‘Dietary
4 Guidelines’), including the provisions re-
5 lated to food groups to encourage and nu-
6 trients of concern; and

7 “(ii) consider—

8 “(I) authoritative scientific rec-
9 ommendations for nutrition standards;

10 “(II) existing school nutrition
11 standards, including voluntary stand-
12 ards for beverages and snack foods,
13 and State and local standards;

14 “(III) the practical application of
15 the nutrition standards; and

16 “(IV) special exemptions for
17 school-sponsored fundraisers (other
18 than fundraising through vending ma-
19 chines, school stores, snack bars, a la
20 carte sales, and any other exclusions
21 determined by the Secretary), if the
22 fundraisers are approved by the school
23 and—

1 “(aa) are infrequent within
2 the school during the official
3 school day; or

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

6 “(D) UPDATING STANDARDS.—As soon as
7 practicable after the date of publication by the
8 Department of Agriculture and the Department
9 of Health and Human Services of a new edition
10 of the Dietary Guidelines, the Secretary shall
11 review and update as necessary the school nu-
12 trition standards and requirements established
13 under this subsection.

14 “(2) IMPLEMENTATION.—

15 “(A) PROPOSED REGULATIONS.—Not later
16 than 18 months after the date of enactment of
17 this paragraph, the Secretary shall promulgate
18 proposed regulations to carry out paragraph
19 (1).

20 “(B) EFFECTIVE DATE.—Not later than
21 18 months after promulgating proposed regula-
22 tions, the Secretary shall promulgate interim
23 final regulations or final regulations to carry
24 out paragraph (1) that shall take effect at the
25 beginning of the school year that is not earlier

1 than 1 year and not later than 2 years fol-
2 lowing the date on which the interim final regu-
3 lations or final regulations, as applicable, are
4 published in the Federal Register.

5 “(C) REPORTING.—The Secretary shall
6 submit to the Committee on Agriculture, Nutri-
7 tion, and Forestry of the Senate and the Com-
8 mittee on Education and Labor of the House of
9 Representatives a quarterly report that de-
10 scribes progress made toward promulgating
11 final regulations under this subsection.”.

12 **SEC. 205. LOCAL SCHOOL WELLNESS POLICY IMPLEMENTA-**
13 **TION.**

14 (a) IN GENERAL.—The Richard B. Russell National
15 School Lunch Act is amended by inserting after section
16 9 (42 U.S.C. 1758) the following:

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

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

23 “(b) GUIDELINES.—The Secretary shall promulgate
24 regulations that provide the framework and guidelines for

1 local educational agencies to establish local school wellness
2 policies, including, at a minimum—

3 “(1) goals for nutrition promotion and edu-
4 cation, physical activity and education, and other
5 school-based activities that promote student
6 wellness;

7 “(2) nutrition guidelines for all foods available
8 on each school campus under the jurisdiction of the
9 local educational agency during the school day
10 that—

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

15 “(B) promote student health and wellness;

16 “(3) a requirement that the local educational
17 agency designate a standing local wellness policy
18 committee comprised of parents, students, represent-
19 atives of the school food authority, teachers of phys-
20 ical education, school health professionals, the school
21 board, school administrators, and the general public
22 to participate in the development, implementation,
23 and periodic review and update of the local school
24 wellness policy;

1 “(4) a requirement that the local educational
2 agency inform and update the public (including par-
3 ents, students, and others in the community) about
4 the content and progress on the implementation of
5 the local school wellness policy; and

6 “(5) a requirement that the local educational
7 agency—

8 “(A) periodically measure and make avail-
9 able to the public an assessment on the imple-
10 mentation of the local school wellness policy, in-
11 cluding—

12 “(i) the extent to which schools under
13 the jurisdiction of the local educational
14 agency are in compliance with the local
15 school wellness policy;

16 “(ii) the extent to which the local
17 school wellness policy of the local edu-
18 cational agency compares to model local
19 school wellness policies;

20 “(iii) a description of the progress
21 made in attaining the goals of the local
22 school wellness policy; and

23 “(iv) any proposed changes to the
24 local wellness policy based on the periodic
25 assessment under this paragraph; and

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

5 “(c) LOCAL DISCRETION.—The local educational
6 agency shall use the guidelines promulgated by the Sec-
7 retary under subsection (b) to determine specific policies
8 appropriate for the schools under the jurisdiction of the
9 local educational agency.

10 “(d) TECHNICAL ASSISTANCE AND BEST PRAC-
11 TICES.—

12 “(1) IN GENERAL.—The Secretary, in consulta-
13 tion with the Secretary of Education and the Sec-
14 retary of Health and Human Services, acting
15 through the Centers for Disease Control and Preven-
16 tion, shall provide information and technical assist-
17 ance to local educational agencies, school food au-
18 thorities, and State educational agencies for use in
19 establishing healthy school environments that are in-
20 tended to promote student health and wellness.

21 “(2) CONTENT.—The Secretary shall provide
22 technical assistance that—

23 “(A) includes resources and training on de-
24 signing, promoting, implementing, dissemi-
25 nating, and evaluating local school wellness

1 policies and overcoming barriers to the adoption
2 of local school wellness policies;

3 “(B) includes model local school wellness
4 policies and best practices recommended by
5 Federal agencies, State agencies, and non-
6 governmental organizations;

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

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

12 “(3) FUNDING.—

13 “(A) IN GENERAL.—On October 1, 2010,
14 and on each October 1 thereafter through Octo-
15 ber 1, 2014, out of any funds in the Treasury
16 not otherwise appropriated, the Secretary of the
17 Treasury shall transfer to the Secretary to
18 carry out this subsection \$500,000, to remain
19 available until expended.

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

25 “(e) REPORT.—

1 “(1) IN GENERAL.—Subject to the availability
2 of appropriations, the Secretary, in conjunction with
3 the Secretary of Education and the Secretary of
4 Health and Human Services (acting through Direc-
5 tor of the Centers for Disease Control and Preven-
6 tion), shall prepare a report on the implementation,
7 strength, and effectiveness of the local school
8 wellness policies carried out in accordance with this
9 section.

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

13 “(A) an analysis of the strength and weak-
14 nesses of local school wellness policies and how
15 the policies compare with model local wellness
16 policies recommended under subsection
17 (d)(2)(B); and

18 “(B) an assessment of the impact of the
19 local school wellness policies in addressing the
20 requirements of subsection (b).

21 “(3) REPORT.—Not later than January 1,
22 2014, the Secretary shall submit to the Committee
23 on Agriculture, Nutrition, and Forestry of the Sen-
24 ate and the Committee on Education and Labor of

1 the House of Representatives, a report that de-
2 scribes the findings of the study.

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

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

10 **SEC. 206. INFORMATION ON THE SCHOOL WELLNESS ENVI-**
11 **RONMENT.**

12 Section 9 of the Richard B. Russell School Lunch Act
13 (42 U.S.C. 1758) is amended by adding at the end the
14 following:

15 “(k) INFORMATION ON THE SCHOOL WELLNESS EN-
16 VIRONMENT.—

17 “(1) IN GENERAL.—The Secretary, in consulta-
18 tion with the Secretary of Education and the Sec-
19 retary of Health and Human Services, shall estab-
20 lish requirements for local educational agencies and
21 States participating in the lunch program under this
22 Act to report, on a periodic basis, to the Secretary
23 and the general public, information about the school
24 wellness environment with respect to all schools
25 under the jurisdiction of such agencies and States.

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

5 “(A) information pertaining to the school
6 nutrition programs, including food safety in-
7 spections, local wellness policies, meal program
8 participation, the nutritional quality of program
9 meals, nutrition education, and other informa-
10 tion as determined by the Secretary; and

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

13 “(i) whether all elementary school and
14 secondary school students enrolled in the
15 schools under the jurisdiction of such agen-
16 cy meet age-appropriate physical education
17 recommendations, consistent with—

18 “(I) national guidelines estab-
19 lished by the Centers for Disease Con-
20 trol and Prevention of the Depart-
21 ment of Health and Human Services;
22 or

23 “(II) the requirements of the
24 State in which the schools are located;

1 “(ii) a description of the amount of
2 time that such students are required to
3 spend in physical education, disaggregated
4 by grade level, including information on
5 criteria—

6 “(I) for granting students a
7 waiver or exemption; or

8 “(II) allowing a substitution for
9 the requirement; and

10 “(iii) any such other information re-
11 lated to physical activity and education as
12 determined by the Secretary.

13 “(3) REPORTING.—

14 “(A) LOCAL EDUCATIONAL AGENCY.—
15 Each local educational agency described in
16 paragraph (1) shall report to the applicable
17 State and general public, the information de-
18 scribed in paragraphs (1) and (2), in accord-
19 ance with the requirements established by the
20 Secretary under paragraph (4).

21 “(B) STATE.—Each State receiving infor-
22 mation under subparagraph (A) shall report
23 such information to the Secretary, in accord-
24 ance with the requirements described in para-
25 graph (4).

1 “(C) PUBLIC ACCESS.—The Secretary
2 shall make publicly available the information re-
3 ceived from each State under subparagraph
4 (B).

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

8 “(A) ensure that the information described
9 in paragraph (2) is reported in such way that
10 prevents unnecessary or duplicative reporting
11 by a local educational agency or State; and

12 “(B) require any information reported to
13 the general public under paragraph (3)(A) to be
14 reported in an accessible, plain-language man-
15 ner.

16 “(5) TECHNICAL ASSISTANCE.—The Secretary
17 shall provide technical assistance to States and local
18 educational agencies on meeting the requirements of
19 this subsection.”.

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

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

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

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

10 “(b) STATE NUTRITION PROMOTION FUNDING.—

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

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

23 “(A) support nutrition education and nu-
24 trition promotion, including through materials
25 provided by the Secretary;

1 “(B) provide technical assistance and guid-
2 ance to—

3 “(i) support compliance with the nu-
4 tritional requirements for—

5 “(I) the school lunch program
6 under this Act;

7 “(II) the school breakfast pro-
8 gram under section 4 of the Child Nu-
9 trition Act of 1966 (42 U.S.C. 1773);
10 and

11 “(III) foods sold outside of the
12 school lunch program and school
13 breakfast program in accordance with
14 section 10 of the Child Nutrition Act
15 of 1966 (42 U.S.C. 1779);

16 “(ii) encourage healthy eating by chil-
17 dren consistent with the most recent Die-
18 tary Guidelines for Americans published
19 under section 301 of the National Nutri-
20 tion Monitoring and Related Research Act
21 of 1990 (7 U.S.C. 5341);

22 “(iii) promote student participation in
23 the school lunch program and the school
24 breakfast program;

1 “(iv) promote age-appropriate oppor-
2 tunities for children to be physically active;
3 and

4 “(v) support the development, imple-
5 mentation, and assessment of local
6 wellness policies established under section
7 9(a); and

8 “(C) provide subgrants to local educational
9 agencies to support activities described under
10 this paragraph based on guidance provided by
11 the Secretary;

12 “(D) facilitate coordination and informa-
13 tion sharing across Federal child nutrition pro-
14 grams in the State;

15 “(E) coordinate with any team nutrition
16 network activities conducted under section 19 of
17 the Child Nutrition Act of 1966 (42 U.S.C.
18 1788); and

19 “(F) such other purposes as determined by
20 the Secretary.

21 “(3) DOCUMENTATION.—A State agency receiv-
22 ing funds under this section shall maintain docu-
23 mentation of the nutrition and wellness promotion
24 activities carried out under this section.

1 “(c) REALLOCATION.—The Secretary may reallocate
2 to carry out this section, any amount made available to
3 carry out this section that are not obligated or expended,
4 as determined by the Secretary.

5 “(d) REPORT.—Not later than October 1, 2014, the
6 Secretary shall submit to the Committee on Education and
7 Labor of the House of Representative and the Committee
8 on Agriculture, Nutrition, and Forestry of the Senate a
9 report describing and assessing the school nutrition and
10 wellness promotion activities and initiatives carried out
11 under this section.

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

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

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

20 (1) by redesignating subsections (h) through (j)
21 as subsections (j) through (l), respectively;

22 (2) in subsection (g), by striking “(g) ACCESS
23 TO LOCAL FOODS AND SCHOOL GARDENS.—” and
24 all that follows through “(3) PILOT PROGRAM FOR

1 HIGH-POVERTY SCHOOLS.—” and inserting the fol-
2 lowing:

3 “(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL
4 PROGRAM.—

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

7 “(A) school or institution that participates
8 in a program under this Act or the school
9 breakfast program established under section 4
10 of the Child Nutrition Act of 1966 (42 U.S.C.
11 1773);

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

15 “(C) an Indian tribal organization; and

16 “(D) an agricultural producers or a group
17 of agricultural producers.

18 “(2) FARM TO SCHOOL GRANTS.—

19 “(A) IN GENERAL.—The Secretary shall
20 provide assistance to eligible entities through
21 competitive grants and technical assistance to
22 implement programs that improve access to
23 local foods in eligible schools.

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

4 “(i) the planning, design, and estab-
5 lishment of farm to school programs by
6 linking school and institutional food service
7 providers, distributors, and agricultural
8 producers or groups of agricultural pro-
9 ducers for sustainable farm to school pro-
10 grams;

11 “(ii) the planning, implementation,
12 and maintenance of school gardens;

13 “(iii) the acquisition of appropriate
14 equipment as determined by the Secretary;

15 “(iv) the provision of training and
16 education necessary for the planning, im-
17 plementation, and maintenance of farm to
18 school activities; and

19 “(v) other activities as determined by
20 the Secretary.

21 “(3) ADMINISTRATION.—

22 “(A) IN GENERAL.—The Secretary shall
23 award grants, on a competitive basis, to eligible
24 entities for farm to school activities described
25 under paragraph (2).

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

3 “(C) FEDERAL SHARE.—

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

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

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

22 “(E) REGIONAL BALANCE.—In making
23 awards under this subsection, the Secretary
24 shall, to the maximum extent practicable, en-
25 sure—

1 “(i) geographical diversity; and

2 “(ii) proportional distribution among
3 urban, rural, and tribal communities.

4 “(F) PEER REVIEW OF APPLICATIONS.—

5 The Secretary shall form review panels con-
6 sisting of representatives from related public
7 and private agencies or organizations, as deter-
8 mined by the Secretary, to evaluate applications
9 based on criteria for selection described under
10 paragraph (4).

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

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

21 “(B) serve a high proportion of children
22 who are certified as eligible for free or reduced
23 price lunches;

24 “(C) incorporate experiential nutrition edu-
25 cation activities in curriculum planning that en-

1 courage the participation of school children in
2 farm and garden-based agricultural education
3 activities;

4 “(D) demonstrate collaboration among eli-
5 gible entities;

6 “(E) include adequate and participatory
7 evaluation plans;

8 “(F) demonstrate the potential for long-
9 term program sustainability;

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

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

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

22 “(6) TECHNICAL ASSISTANCE.—The Secretary
23 shall provide technical assistance and information to
24 assist eligible schools, State and local agencies, In-
25 dian tribal organizations, and nonprofit entities—

1 “(A) to facilitate the coordination and
2 sharing of information and resources in the De-
3 partment that may be applicable to the farm to
4 school program;

5 “(B) to collect and share information on
6 best practices; and

7 “(C) to disseminate research and data on
8 existing farm to school programs and the poten-
9 tial for programs in underserved areas.

10 “(8) REPORTING.—No later than 4 years after
11 enactment of this section, the Secretary shall submit
12 to the Committee on Education and Labor of the
13 House of Representatives and the Committee on Ag-
14 riculture, Nutrition, and Forestry of the Senate a
15 report describing the farm to school projects funded
16 under this section and the results of the evaluation
17 conducted under paragraph (6).

18 “(9) FUNDING.—

19 “(A) IN GENERAL.—On October 1, 2010,
20 and on October 1 of each fiscal year through
21 2014, out of any funds in the Treasury not oth-
22 erwise appropriated, the Secretary of the Treas-
23 ury shall transfer to the Secretary to carry out
24 this subsection \$10,000,000, to remain avail-
25 able until expended.

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

6 “(10) AUTHORIZATION OF APPROPRIATIONS.—
7 In addition to the amounts made available under
8 paragraph (9), there are authorized to be appro-
9 priated to carry out this subsection such sums as are
10 necessary for each of fiscal years 2011 through
11 2015.

12 “(h) PILOT PROGRAM FOR HIGH-POVERTY
13 SCHOOLS.—

14 “(1) IN GENERAL.—”;

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

17 (A) in subparagraph (F) of paragraph (1)
18 (as so redesignated), by striking “in accordance
19 with paragraph (1)(H)” and inserting “carried
20 out by the Secretary”; and

21 (B) by redesignating paragraph (4) as
22 paragraph (2); and

23 (4) by inserting after subsection (h), the fol-
24 lowing:

25 “(i) INFORMATION EXCHANGE.—

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

8 “(A) publicly accessible through the Inter-
9 net; and

10 “(B) updated as appropriate to ensure the
11 information is current.

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

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

17 “(B) an inventory of existing farm-to-
18 school activities, including the activities de-
19 scribed in subsection (g), in the United States;
20 and

21 “(C) best practices of farm-to-school activi-
22 ties in schools and institutions participating in
23 programs under this Act, as determined by the
24 Secretary.

25 “(3) FUNDING.—

1 “(A) IN GENERAL.—Out of funds in the
2 Treasury not otherwise appropriated, the Sec-
3 retary of the Treasury shall transfer to the Sec-
4 retary to carry out this subsection—

5 “(i) on October 1, 2010, \$200,000;
6 and

7 “(ii) on October 1, 2011, October 1,
8 2012, and October 1, 2013, \$100,000.

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

14 **Subtitle B—Child and Adult Care**
15 **Food Program**

16 **SEC. 221. NUTRITION AND WELLNESS GOALS FOR MEALS**
17 **SERVED THROUGH THE CHILD AND ADULT**
18 **CARE FOOD PROGRAM.**

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

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

24 “(a) PROGRAM PURPOSE, GRANT AUTHORITY AND
25 INSTITUTION ELIGIBILITY.—

1 “(1) IN GENERAL.—

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

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

16 (2) by striking subsection (g) and inserting the
17 following:

18 “(g) NUTRITIONAL REQUIREMENTS FOR MEALS AND
19 SUPPLEMENTS SERVED IN INSTITUTIONS AND FAMILY OR
20 GROUP DAY CARE HOMES.—

21 “(1) DEFINITION OF DIETARY GUIDELINES.—

22 In this subsection, the term Dietary Guidelines
23 means the Dietary Guidelines for Americans pub-
24 lished under section 301 of the National Nutrition

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

3 “(2) NUTRITIONAL REQUIREMENTS.—

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

13 “(B) CONFORMITY WITH THE DIETARY
14 GUIDELINES AND AUTHORITATIVE SCIENCE.—

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

22 “(I) are consistent with the goals
23 of the most recent Dietary Guidelines;
24 and

1 “(II) promote the health of the
2 population served by the program au-
3 thorized under this section, as indi-
4 cated by appropriate authoritative sci-
5 entific agency and organization rec-
6 ommendations.

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

14 “(iii) REGULATIONS.—

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

24 “(II) CONSIDERATION.—The
25 Secretary shall demonstrate consider-

1 ation for the financial and administra-
2 tive impact to institutions, family or
3 group day care homes, and sponsored
4 centers resulting from any proposed
5 changes to the nutritional require-
6 ments for meals and supplements in
7 the regulations described under sub-
8 clause (I).

9 “(C) EXCEPTIONS.—

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

18 “(ii) EXEMPT INSTITUTIONS.—The
19 Secretary may elect to waive all or part of
20 the requirements of this subsection for
21 emergency shelters participating in the
22 program under this section.

23 “(3) MEAL SERVICE.—Institutions, family or
24 group day care homes, and sponsored centers shall

1 ensure that reimbursable meal service is not used as
2 a punishment or reward.

3 “(4) FLUID MILK.—

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

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

20 “(i) is nutritionally equivalent to fluid
21 milk; and

22 “(ii) meets nutritional standards es-
23 tablished by the Secretary, including,
24 among other requirements established by
25 the Secretary, fortification of calcium, pro-

1 tein, vitamin A, and vitamin D to levels
2 found in cow's milk.

3 “(C) APPROVAL.—

4 “(i) IN GENERAL.—A substitution au-
5 thorized under subparagraph (B) may be
6 made—

7 “(I) at the discretion of and on
8 approval by the participating institu-
9 tion, family or group day care home,
10 or sponsored center; and

11 “(II) if the substitution is re-
12 requested by a medical authority, or by
13 the parent or legal guardian of the
14 child.

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

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

1 “(i) are incurred by the institution,
2 family or group day care home, or spon-
3 sored center to provide substitutions under
4 this paragraph; and

5 “(ii) are in excess of expenses covered
6 under reimbursements under this Act.

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

14 “(6) USE OF ABUNDANT AND DONATED
15 FOODS.—To the maximum extent practicable, each
16 institution shall use in its food service foods that
17 are—

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

21 “(B) donated by the Secretary;

22 “(7) WATER.—Participating institutions, family
23 or group day care homes, and sponsored centers
24 shall make available to persons, free of charge and

1 as nutritionally appropriate, potable water through-
2 out the day, including at meal times.”; and

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

4 “(u) PROMOTING HEALTH AND WELLNESS IN CHILD
5 CARE.—

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

12 “(2) TECHNICAL ASSISTANCE, GUIDANCE, AND
13 RECOGNITION.—

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

22 “(i) menu planning;

23 “(ii) interpretation of nutrition infor-
24 mation; and

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

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

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

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

21 “(B) WELLNESS PROMOTION.—Not later
22 than January 1, 2012, in consultation with the
23 Secretary of Health and Human Services, the
24 Secretary shall provide technical assistance and
25 guidance to assist State agencies and institu-

1 tions, family and group day care homes, and
2 sponsored centers, participating in the program
3 under this section to—

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

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

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

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

22 “(iii) encourage adherence to age-ap-
23 propriate electronic media use by children
24 based on authoritative scientific rec-
25 ommendation with—

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

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

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

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

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

23 “(i) providing healthful and develop-
24 mentally appropriate meals and supple-
25 ments consistent with the nutrition re-

1 requirements of the program under this sec-
2 tion;

3 “(ii) providing regular opportunities
4 for developmentally appropriate physical
5 activity;

6 “(iii) adhering to developmentally ap-
7 propriate guidelines for use of electronic
8 media;

9 “(iv) engaging parents in nutrition
10 and wellness initiatives for children; and

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

13 “(D) FUNDING.—

14 “(i) IN GENERAL.—On October 1,
15 2010, out of any funds in the Treasury not
16 otherwise appropriated, the Secretary of
17 the Treasury shall transfer to the Sec-
18 retary to carry out this paragraph
19 \$10,000,000, to remain available until ex-
20 pended.

21 “(ii) RECEIPT AND ACCEPTANCE.—
22 The Secretary shall be entitled to receive,
23 shall accept, and shall use to carry out this
24 subsection the funds transferred under
25 clause (i), without further appropriation.

1 “(3) COMPETITIVE GRANTS.—

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

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

15 “(C) USES OF FUNDS.—

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

23 “(ii) AUTHORIZED USES.—In addition
24 to such other activities as the Secretary de-
25 termines to be appropriate, State agencies

1 and institutions may use funds received
2 under this paragraph for activities that—

3 “(I) promote nutrition and phys-
4 ical activity in child care settings that
5 reflect the recommendations of—

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

13 “(bb) authoritative scientific
14 recommendations;

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

23 “(III) perform outreach cam-
24 paigns on the State or local level that
25 are designed to increase access to the

1 program in underserved areas and
2 populations, including subsidized child
3 care providers; and

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

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

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

21 “(ii) a description of—

22 “(I) the procedures by which the
23 State agency will use the grant to
24 award subgrants to institutions; and

1 “(II) the criteria that the State
2 agency will use in awarding such sub-
3 grants.

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

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

12 “(ii) the progress of implementing the
13 activities; and

14 “(iii) the outcome of the activities.

15 “(F) BEST PRACTICES.—The Secretary
16 shall provide to State agencies and institutions
17 best practices for implementing effective nutri-
18 tion and wellness initiatives, including best
19 practices for implementing the activities sup-
20 ported with funds under this paragraph.

21 “(G) FUNDING.—

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

1 (1) the nutritional quality of all foods provided
2 to children in child care settings as compared to the
3 recommendations in the most recent Dietary Guide-
4 lines for Americans published under section 301 of
5 the National Nutrition Monitoring and Related Re-
6 search Act of 1990 (7 U.S.C. 5341);

7 (2) the quantity and type of opportunities for
8 physical activity provided to children in child care
9 settings;

10 (3) the quantity of time spent by children in
11 child care settings in sedentary activities;

12 (4) an assessment of barriers and facilitators
13 to—

14 (A) providing foods to children in child
15 care settings that meet the recommendations of
16 the most recent Dietary Guidelines for Ameri-
17 cans published under section 301 of the Na-
18 tional Nutrition Monitoring and Related Re-
19 search Act of 1990 (7 U.S.C. 5341);

20 (B) providing the appropriate quantity and
21 type of opportunities of physical activity for
22 children in child care settings; and

23 (C) participation by institutions, family or
24 group day care homes, and sponsored centers
25 under the child and adult care food program es-

1 tablished under section 17 of the Richard B.
2 Russell National School Lunch Act (42 U.S.C.
3 1766); and

4 (5) such other assessment measures as the Sec-
5 retary may determine to be necessary.

6 (b) REPORT TO CONGRESS.—The Secretary shall
7 submit to the Committee on Education and Labor of the
8 House of Representatives and the Committee on Agri-
9 culture, Nutrition, and Forestry of the Senate, a report
10 that includes a detailed description of the results of the
11 study conducted under subsection (a).

12 (c) FUNDING.—

13 (1) IN GENERAL.—On October 1, 2010, out of
14 any funds in the Treasury not otherwise appro-
15 priated, the Secretary of the Treasury shall transfer
16 to the Secretary to carry out this section
17 \$5,000,000, to remain available until expended.

18 (2) RECEIPT AND ACCEPTANCE.—The Sec-
19 retary shall be entitled to receive, shall accept, and
20 shall use to carry out this section the funds trans-
21 ferred under paragraph (1), without further appro-
22 priation.

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

4 **SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PRO-**
5 **GRAM.**

6 Section 17 of the Child Nutrition Act of 1966 (42
7 U.S.C. 1786) is amended—

8 (1) in subsection (a), in the second sentence, by
9 striking “supplemental foods and nutrition education
10 through any eligible local agency” and inserting
11 “supplemental foods and nutrition education, includ-
12 ing breastfeeding promotion and support, through
13 any eligible local agency”;

14 (2) in subsection (b)(4), by inserting
15 “breastfeeding support and promotion,” after “nu-
16 trition education,”;

17 (3) in subsection (c)(1), in the first sentence, by
18 striking “supplemental foods and nutrition education
19 to” and inserting “supplemental foods, nutrition
20 education, and breastfeeding support and promotion
21 to”;

22 (4) in subsection (e)(2), in the second sentence,
23 by inserting “, including breastfeeding support and
24 education,” after “nutrition education”;

1 (5) in subsection (f)(6)(B), in the first sen-
2 tence, by inserting “and breastfeeding” after “nutri-
3 tion education”;

4 (6) in subsection (h)—

5 (A) in paragraph (4)—

6 (i) by striking “(4) The Secretary”
7 and all that follows through “(A) in con-
8 sultation” and inserting the following:

9 “(4) REQUIREMENTS.—

10 “(A) IN GENERAL.—The Secretary shall—

11 “(i) in consultation”;

12 (ii) by redesignating subparagraphs
13 (B) through (F) as clauses (ii) through
14 (vi), respectively, and indenting appro-
15 priately;

16 (iii) in clause (v) (as so redesignated),
17 by striking “and” at the end;

18 (iv) in clause (vi) (as so redesignated),
19 by striking “2010 initiative.” and inserting
20 “initiative; and”; and

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

22 “(vii) annually compile and publish
23 breastfeeding performance measurements
24 based on program participant data on the
25 number of partially and fully breast-fed in-

1 fants, including breastfeeding performance
2 measurements for—

3 “(I) each State agency; and

4 “(II) each local agency;

5 “(viii) in accordance with subpara-
6 graph (B), implement a program to recog-
7 nize exemplary breastfeeding support prac-
8 tices at local agencies or clinics partici-
9 pating in the special supplemental nutri-
10 tion program established under this sec-
11 tion; and

12 “(ix) in accordance with subparagraph
13 (C), implement a program to provide per-
14 formance bonuses to State agencies.

15 “(B) EXEMPLARY BREASTFEEDING SUP-
16 PORT PRACTICES.—

17 “(i) IN GENERAL.—In evaluating ex-
18 emplary practices under subparagraph
19 (A)(viii), the Secretary shall consider—

20 “(I) performance measurements
21 of breastfeeding;

22 “(II) the effectiveness of a peer
23 counselor program;

24 “(III) the extent to which the
25 agency or clinic has partnered with

1 other entities to build a supportive
2 breastfeeding environment for women
3 participating in the program; and

4 “(IV) such other criteria as the
5 Secretary considers appropriate after
6 consultation with State and local pro-
7 gram agencies.

8 “(ii) AUTHORIZATION OF APPROPRIA-
9 TIONS.—There is authorized to be appro-
10 priated to carry out the activities described
11 in clause (viii) of subparagraph (A) such
12 sums as are necessary.

13 “(C) PERFORMANCE BONUSES.—

14 “(i) IN GENERAL.—Following the
15 publication of breastfeeding performance
16 measurements under subparagraph
17 (A)(vii), the Secretary shall provide per-
18 formance bonus payments to not more
19 than 20 State agencies that demonstrate,
20 as compared to other State agencies par-
21 ticipating in the program—

22 “(I) the highest proportion of
23 breast-fed infants; or

24 “(II) the greatest improvement in
25 proportion of breast-fed infants.

1 “(ii) CONSIDERATION.—In providing
2 performance bonus payments to State
3 agencies under this subparagraph, the Sec-
4 retary shall consider the proportion of fully
5 breast-fed infants in the States.

6 “(iii) USE OF FUNDS.—A State agen-
7 cy that receives a performance bonus
8 under clause (i)—

9 “(I) shall treat the funds as pro-
10 gram income; and

11 “(II) may transfer the funds to
12 local agencies for use in carrying out
13 the program.

14 “(iv) IMPLEMENTATION.—The Sec-
15 retary shall provide the first performance
16 bonuses not later than 1 year after the
17 date of enactment of this clause and may
18 subsequently revise the criteria for award-
19 ing performance bonuses; and”;

20 (B) by striking paragraph (10) and insert-
21 ing the following:

22 “(10) FUNDS FOR INFRASTRUCTURE, MANAGE-
23 MENT INFORMATION SYSTEMS, AND SPECIAL NUTRI-
24 TION EDUCATION.—

1 “(A) IN GENERAL.—For each of fiscal
2 years 2010 through 2015, the Secretary shall
3 use for the purposes specified in subparagraph
4 (B) \$139,000,000 (as adjusted annually for in-
5 flation by the same factor used to determine the
6 national average per participant grant for nutri-
7 tion services and administration for the fiscal
8 year under paragraph (1)(B)).

9 “(B) PURPOSES.—Subject to subpara-
10 graph (C), of the amount made available under
11 subparagraph (A) for a fiscal year—

12 “(i) \$14,000,000 shall be used for—

13 “(I) infrastructure for the pro-
14 gram under this section;

15 “(II) special projects to promote
16 breastfeeding, including projects to
17 assess the effectiveness of particular
18 breastfeeding promotion strategies;
19 and

20 “(III) special State projects of
21 regional or national significance to
22 improve the services of the program;

23 “(ii) \$35,000,000 shall be used to es-
24 tablish, improve, or administer manage-
25 ment information systems for the program,

1 including changes necessary to meet new
2 legislative or regulatory requirements of
3 the program, of which up to \$5,000,000
4 may be used for Federal administrative
5 costs for this section; and

6 “(iii) \$90,000,000 shall be used for
7 special nutrition education (such as
8 breastfeeding peer counselors and other re-
9 lated activities), of which not more than
10 \$10,000,000 of any funding provided in
11 excess of \$50,000,000 shall be used to
12 make performance bonus payments under
13 paragraph (4)(C).

14 “(C) ADJUSTMENT.—Each of the amounts
15 referred to in clauses (i), (ii), and (iii) of sub-
16 paragraph (B) shall be adjusted annually for
17 inflation by the same factor used to determine
18 the national average per participant grant for
19 nutrition services and administration for the
20 fiscal year under paragraph (1)(B).

21 “(D) PROPORTIONAL DISTRIBUTION.—The
22 Secretary shall distribute funds made available
23 under subparagraph (A) in accordance with the
24 proportional distribution described in subpara-
25 graphs (B) and (C).”; and

1 (7) in subsection (j), by striking “supplemental
2 foods and nutrition education” each place it appears
3 in paragraphs (1) and (2) and inserting “supple-
4 mental foods, nutrition education, and breastfeeding
5 support and promotion”.

6 **SEC. 232. REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.**

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

11 **Subtitle D—Miscellaneous**

12 **SEC. 242. PROCUREMENT TECHNICAL ASSISTANCE AND**
13 **GUIDANCE.**

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

17 “(m) PROCUREMENT.—

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

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

5 “(3) FOOD PROCUREMENT.—

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

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

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

22 “(I) nutritional information;

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

1 has met throughout production and
2 processing; and

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

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

13 “(iv) REPORT.—Not later than 2 year
14 after the date of the enactment of the Im-
15 proving Nutrition for America’s Children
16 Act, the Secretary shall submit to the
17 Committee on Education and Labor of the
18 House of Representatives and the Com-
19 mittee on Agriculture, Nutrition and For-
20 estry of the Senate a report on the results
21 of the assessment and include such legisla-
22 tive recommendations as the Secretary con-
23 siders necessary to ensure that school food
24 authorities have access to food product in-
25 formation needed for compliance with the

1 requirements for the school nutrition pro-
2 grams under this Act and the Child Nutri-
3 tion Act of 1966 (42 U.S.C. 1771 et seq.).

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

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

18 “(ii) encourage the use of foods rec-
19 ommended by the most recent Dietary
20 Guidelines for Americans, including fruits,
21 vegetables, fat-free and reduced fat dairy
22 products, and whole grains;

23 “(iii) reflect best practices for safe
24 production, handling, and processing of
25 foods as determined by the Secretary; and

1 “(iv) any other specifications as deter-
2 mined by the Secretary.

3 “(4) FOODSERVICE MANAGEMENT PROCURE-
4 MENT.—Activities carried out under paragraph (1)
5 shall include model contract specifications and prac-
6 tices for procuring school food services for the provi-
7 sion of meals in compliance with the requirements
8 for administering the school nutrition programs
9 under this Act and the Child Nutrition Act of 1966
10 (42 U.S.C. 1771 et seq.).

11 “(5) FUNDING.—

12 “(A) MANDATORY FUNDING.—On October
13 1, 2010, out of any moneys in the Treasury not
14 otherwise appropriated, the Secretary of the
15 Treasury shall provide to the Secretary to carry
16 out this subsection \$4,000,000 to remain avail-
17 able until expended. The Secretary shall be en-
18 titled to receive the funds and shall accept the
19 funds, without further appropriation.

20 “(B) AUTHORIZATION OF APPROPRIA-
21 TIONS.—In addition to the amounts made avail-
22 able under subparagraph (A), there are author-
23 ized to be appropriated to carry out this sub-
24 section such sums as are necessary for each of
25 fiscal years 2011 through 2015.”.

1 **SEC. 243. RESEARCH ON STRATEGIES TO PROMOTE**
2 **HEALTHY EATING.**

3 (a) IN GENERAL.—The Secretary, in consultation
4 with the Secretary of Health and Human Services and the
5 Secretary of Education, shall establish a research, dem-
6 onstration, and technical assistance program to promote
7 healthy eating and prevent and reduce the prevalence of
8 obesity by applying the principles and insights of behav-
9 ioral economics research in schools, child care programs,
10 and other settings.

11 (b) PRIORITIES.—In carry out the program under
12 subsection (a), the Secretary shall—

13 (1) identify and assess the impacts of specific
14 presentation, placement, and other strategies for
15 structuring choices on selection and consumption of
16 healthful foods in a variety of settings, consistent
17 with the most recent version of the Dietary Guide-
18 lines for Americans published under section 301 of
19 the National Nutrition Monitoring and Related Re-
20 search Act of 1990 (7 U.S.C. 5341);

21 (2) demonstrate and rigorously evaluate behav-
22 ioral economics-related interventions that hold prom-
23 ise to improve diets and promote health, including
24 through demonstration projects that may include
25 evaluation of the use of portion size, labeling, con-

1 venience, and other strategies to encourage healthy
2 choices; and

3 (3) encourage adoption of the most effective
4 strategies through outreach and technical assistance.

5 (c) **AUTHORITY.**—In carrying out the program under
6 subsection (a), the Secretary may—

7 (1) enter into competitively awarded contracts
8 or cooperative agreements; or

9 (2) provide grants to States or public or private
10 agencies or organizations, as determined by the Sec-
11 retary.

12 (d) **APPLICATION.**—To be eligible to enter into a con-
13 tract or cooperative agreement or receive a grant under
14 this section, a State or public or private agency or organi-
15 zation shall submit to the Secretary an application at such
16 time, in such manner, and containing such information as
17 the Secretary may require.

18 (e) **COORDINATION.**—The solicitation and evaluation
19 of contracts, cooperative agreements, and grant proposals
20 considered under this section shall be coordinated with the
21 Food and Nutrition Service as appropriate to ensure that
22 funded projects are consistent with the operations of Fed-
23 erally supported nutrition assistance programs and related
24 laws (including regulations).

1 (f) ANNUAL REPORTS.—Not later than 90 days after
2 the end of each fiscal year, the Secretary shall submit to
3 the Committee on Education and Labor of the House of
4 Representatives and the Committee on Agriculture, Nutri-
5 tion, and Forestry of the Senate a report that includes
6 a description of—

7 (1) the policies, priorities, and activities of the
8 program carried out by the Secretary under this sec-
9 tion during the fiscal year;

10 (2) the results of any evaluations completed
11 during the fiscal year; and

12 (3) the efforts undertaken to disseminate suc-
13 cessful practices through outreach and technical as-
14 sistance.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There are authorized to be
17 appropriated to carry out this section such sums as
18 are necessary for each of fiscal years 2011 through
19 2015.

20 (2) USE OF FUNDS.—The Secretary may use
21 up to 5 percent of the funds made available under
22 paragraph (1) for Federal administrative expenses
23 incurred in carrying out this section.

1 **SEC. 244. FOOD MARKETING STUDY.**

2 (a) STUDY AND REPORT ON FOOD MARKETING.—
3 From the amounts appropriated under subsection (f), the
4 Secretary, in consultation with the Secretary of Education
5 and the Secretary of Health and Human Services, shall
6 conduct a study on the extent and types of marketing of
7 foods and beverages in elementary and secondary schools.
8 In carrying out the study, the Secretary shall collaborate
9 with, and include information from, the Division of Ado-
10 lescent and School Health of the Centers for Disease Con-
11 trol and Prevention.

12 (b) ASSESSMENT OF NUTRITION.—The study con-
13 ducted under subsection (a) shall assess the nutritional
14 quality of the types of foods and beverages marketed in
15 schools.

16 (c) ASSESSMENT OF MEDIA.—The study conducted
17 subsection (a) shall assess all media through which foods
18 and beverages are marketed to children in elementary and
19 secondary schools, including—

20 (1) brand and product logos, names, or infor-
21 mation on educational materials, book covers, school
22 supplies, posters, vending machine exteriors, score-
23 boards, displays, signs, equipment, buses, buildings,
24 and other school property;

25 (2) educational and other incentive programs;

26 (3) label redemption programs;

1 (4) in-school television, radio, and print publica-
2 tions;

3 (5) free samples and coupons;

4 (6) branded fundraising activities;

5 (7) taste-testing and other market research ac-
6 tivities; and

7 (8) incidental exposure to food and beverage
8 marketing through computer use, including com-
9 puter banner and wallpaper ads, or podcasts in
10 schools.

11 (d) EXAMINATION OF REGULATORY MECHANISMS.—

12 The study conducted subsection (a) shall also examine
13 mechanisms regulating marketing in elementary and sec-
14 ondary schools, including—

15 (1) Federal, State, and local policies;

16 (2) contracts; and

17 (3) sales incentives.

18 (e) REPORT.—Not later than 1 year after the comple-
19 tion of the study conducted under subsection (a), the Sec-
20 retary shall submit to Congress a report on the results
21 of the study required by subsection (a).

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated \$1,000,000 to carry out
24 this section.

1 **SEC. 245. NATIONAL SCHOOL LUNCH PROGRAM EQUIP-**
2 **MENT ASSISTANCE GRANTS.**

3 (a) IN GENERAL.—From the funds made available
4 under subsection (e), the Secretary shall make payments
5 to State educational agencies to award grants to school
6 food authorities for the purchase of equipment for schools
7 under the jurisdiction of such authorities.

8 (b) ALLOCATION AND REALLOCATION.—

9 (1) ALLOCATION.—Payments under subsection
10 (a) shall be allocated to State educational agencies
11 in a manner proportional with each agency's admin-
12 istrative expense allocation under section 7(a)(2) of
13 the Child Nutrition Act of 1966 (42 U.S.C.
14 1776(a)(2)).

15 (2) REALLOCATION.—If a State educational
16 agency does not accept or use the amounts made
17 available under its allocation in accordance with this
18 section, the Secretary shall reallocate such amounts
19 to other State educational agencies, as the Secretary
20 determines necessary.

21 (c) GRANTS TO SCHOOL FOOD AUTHORITIES.—

22 (1) IN GENERAL.—Not later than 180 days
23 after receiving an allocation under subsection (a), a
24 State educational agency shall award grants, on a
25 competitive basis, to school food authorities.

1 (2) APPLICATION.—To qualify to receive a
2 grant under this section, a school food authority
3 shall—

4 (A) submit an application to a State edu-
5 cational agency at such time, in such manner,
6 and containing such information as the State
7 educational agency may require; or

8 (B) have submitted an application to re-
9 ceive equipment assistance under the grant pro-
10 gram carried out under—

11 (i) the heading “Food and Nutrition
12 Service Child Nutrition Programs” in title
13 I of division A of the American Recovery
14 and Reinvestment Act of 2009 (Public law
15 111–5); or

16 (ii) section 748(j) of the Agriculture,
17 Rural Development, Food and Drug ad-
18 ministration, and Related Agencies Appro-
19 priations Act, 2010 (Public law 111-80;
20 123 Stat. 2134).

21 (3) PRIORITY.—In awarding grants to school
22 food authorities, a State shall give priority to school
23 food authorities whose application demonstrate that
24 in providing equipment assistance to schools with

1 funds received under this section, such authorities
2 will give priority to schools—

3 (A) in which not less than 50 percent of
4 the enrolled students are eligible for free or re-
5 duced price meals under the Richard B. Russell
6 National School Lunch Act (42 U.S.C. 1751 et
7 seq.); and

8 (B) that did not benefit from equipment
9 assistance under the grant program carried out
10 under—

11 (i) the heading “Food and Nutrition
12 Service Child Nutrition Programs” in title
13 I of division A of the American Recovery
14 and Reinvestment Act of 2009 (Public law
15 111–5; 123 Stat. 119); or

16 (ii) section 748(j) of the Agriculture,
17 Rural Development, Food and Drug ad-
18 ministration, and Related Agencies Appro-
19 priations Act, 2010 (Public law 111-80;
20 123 Stat. 2134).

21 (4) USES OF FUNDS.—Under the terms and
22 conditions established by the Secretary, a school
23 food authority receiving a grant under this section
24 shall use such funds to purchase equipment for

1 schools under the jurisdiction of the school food au-
2 thority—

3 (A) to improve the quality of food served
4 under the school nutrition programs established
5 under the Richard B. Russell National School
6 Lunch Act (42 U.S.C. 1751 et seq.) and the
7 Child Nutrition Act of 1966 (42 U.S.C. 1771 et
8 seq.), consistent with the goals of the most re-
9 cent Dietary Guidelines for Americans pub-
10 lished under section 301 of the National Nutri-
11 tion Monitoring and Related Research Act of
12 1990 (7 U.S.C. 5341);

13 (B) to improve the safety of food served
14 under the school meal programs;

15 (C) to improve the overall energy efficiency
16 of school foodservice operations; or

17 (D) for other purposes as established by
18 the Secretary.

19 (d) ADMINISTRATIVE COSTS.—A State educational
20 agency receiving an allocation under this section may not
21 use more than 5 percent of such allocation for administra-
22 tive costs associated with awarding grants to eligible
23 school food authorities in accordance with this section.

1 (e) FUNDING.—There are authorized to be appro-
2 priated to carry out this section such sums as may be nec-
3 essary for each of fiscal years 2011 through 2015.

4 **SEC. 246. GREEN CAFETERIAS PILOT PROGRAM.**

5 (a) ESTABLISHMENT OF THE PROGRAM.—From the
6 amounts appropriated to carry out this section under sub-
7 section (e), the Secretary of Agriculture, in consultation
8 with the Administrator of the Environmental Protection
9 Agency, shall establish the green cafeterias pilot program
10 in accordance with this section to provide competitive
11 grants to school food authorities to create green cafeterias
12 in the elementary schools and secondary schools under the
13 jurisdiction of such school food authorities.

14 (b) APPLICATIONS.—In order to receive a grant
15 under this section, a school food authority shall submit
16 an application at such time, in such manner, and accom-
17 panied by such information as the Secretary may require,
18 including—

19 (1) a description of the schools in which the en-
20 vironmental improvements described in subsection
21 (c)(2) will be made using the grant funds;

22 (2) a draft work plan for making the environ-
23 mental improvements, including a description of the
24 uses of funds;

1 (3) an assessment of the expected environ-
2 mental, economic, and educational benefits of the
3 environmental improvements;

4 (4) a cost estimate of the proposed uses of
5 funds; and

6 (5) the proposed use of private financing for
7 such environmental improvements.

8 (c) ALLOWABLE USES.—

9 (1) IN GENERAL.—A school food authority re-
10 ceiving a grant under this section shall use the grant
11 to carry out at least 2 of the allowable uses de-
12 scribed in paragraph (2) in the cafeterias of elemen-
13 tary schools and secondary schools within the juris-
14 diction of the authority:

15 (2) ALLOWABLE USES.—The allowable uses de-
16 scribed in this paragraph are as follows:

17 (A) Procurement of environmentally-pref-
18 erable products, such as recycled content, en-
19 ergy efficient, or biobased products.

20 (B) Recycling activities, such as—

21 (i) fat, oil, and grease recycling;

22 (ii) collection, separation, and proc-
23 essing of post-consumer waste; or

24 (iii) composting.

1 (C) Purchasing energy or water efficient
2 appliances and products that meet Energy Star,
3 WaterSense guidelines, or the equivalent where
4 these labels do not exist.

5 (d) EVALUATION.—Not later than 1 after the date
6 of enactment this section, the Secretary shall evaluate the
7 pilot program conducted under this section to assess—

8 (1) the types of activities carried out by school
9 food authorities receiving grants under this section;

10 (2) the immediate cost or savings, including any
11 projected costs or savings, of the green cafeteria ef-
12 forts carried out by such school food authorities;

13 (3) the environmental benefits associated with
14 the green cafeteria efforts; and

15 (4) any other factors and outcomes associated
16 with carrying out the green cafeteria efforts, as de-
17 termined by the Secretary.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 such sums as may be necessary for each of fiscal years
21 2011 through 2015.

22 (f) DEFINITIONS.—In this section:

23 (1) ELEMENTARY SCHOOL; SECONDARY
24 SCHOOL.—The terms “elementary school” and “sec-
25 ondary school” have the meanings given such term

1 in section 9101 of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 7801).

3 (2) ENVIRONMENTALLY-PREFERABLE.—The
4 term “environmentally-preferable” means products
5 or services that have a lesser or reduced effect on
6 human health and the environment as compared to
7 competing products or services that serve the same
8 purpose. The product or service comparison may
9 consider raw materials acquisition, production, man-
10 ufacturing, packaging, distribution, reuse, mainte-
11 nance, or disposal.

12 **SEC. 247. PARTNERSHIPS FOR WELLNESS GRANTS.**

13 (a) IN GENERAL.—From the amounts appropriated
14 under subsection (i), the Secretary of Agriculture shall
15 award grants to eligible entities, on a competitive basis,
16 for projects that leverage community resources and sup-
17 port student access to physical activity, nutrition edu-
18 cation, and nutritious foods during the regular school cal-
19 endar.

20 (b) APPLICATION.—

21 (1) IN GENERAL.—Each eligible entity that de-
22 sires to receive a grant under this section shall sub-
23 mit an application to the Secretary at such time, in
24 such manner, and containing such information as
25 the Secretary may reasonably require, including—

1 (A) a community-involvement plan de-
2 scribed in paragraph (2);

3 (B) a description of the partners of the eli-
4 gible entity that will be involved in the imple-
5 mentation of the community-involvement plan;

6 (C) a description of the roles that will be
7 played by each partner of the eligible entity in
8 the implementation of the community-involvement
9 plan, including a description of the serv-
10 ices that will be provided by each partner of the
11 eligible entity; and

12 (D) a description of how funds received
13 under this section will be integrated with other
14 Federal, State, and local funds to maximize
15 services and opportunities for students, their
16 families, and the community to be served by the
17 eligible entity, including a description of how
18 funds received under this section will be distrib-
19 uted and utilized.

20 (2) COMMUNITY INVOLVEMENT PLAN.—

21 (A) IN GENERAL.—To be eligible to receive
22 a grant under this section, an eligible entity
23 shall develop a plan for leveraging resources,
24 services, and opportunities available within the
25 community to be served by the eligible entity in

1 order to increase, during the regular school cal-
2 endar, student access to physical activity, and
3 nutrition education, and nutritious foods.

4 (B) REQUIREMENTS.—The community-in-
5 volvement plan shall include—

6 (i) a needs assessment based on
7 guidelines established by the Secretary
8 that describes the need for access to phys-
9 ical activity, nutrition education, and nutri-
10 tious foods, during the regular school cal-
11 endar, of students served by the local edu-
12 cational agency that is partner of the eligi-
13 ble entity;

14 (ii) a description of the potential re-
15 sources, services, and opportunities avail-
16 able within the community to be served by
17 the eligible entity, or available near the
18 community, that the students, the families
19 of such students, and individuals in the
20 community may be able to access to meet
21 the needs identified under clause (i);

22 (iii) a description of the role of each
23 of the partners of the eligible entity in pro-
24 viding services described in subsection (c)

1 to the students and families of the stu-
2 dents;

3 (iv) a strategy for linking students
4 and the parents and families of the stu-
5 dents with the opportunities for services
6 available through the eligible entity; and

7 (v) a strategy for evaluating the im-
8 pact of services that will be provided to
9 students and their families through the eli-
10 gible entity, including—

11 (I) a description of the resources,
12 supports, and opportunities that will
13 be leveraged from the community to
14 provide such services;

15 (II) a description of how progress
16 in increasing student access to phys-
17 ical activity, nutrition education, and
18 nutritious food will be measured; and

19 (III) a description of how the im-
20 pact of increasing student access to
21 physical activity, nutrition education,
22 and nutritious food will be measured.

23 (c) USES OF FUNDS.—An eligible entity receiving a
24 grant under this section shall use the funds to carry out
25 1 or more of the following services:

1 (1) Increasing, during the regular school cal-
2 endar, student access to physical activity, including
3 through short bouts of physical activity in the class-
4 room and structured physical activities that are
5 taught and led by trained adults during recess.

6 (2) Increasing, during the regular school cal-
7 endar, student access to nutrition education, includ-
8 ing nutrition education provided through the com-
9 munity by local nutritionists, or other health care
10 providers.

11 (3) Increasing, during the regular school cal-
12 endar, student access to nutritious foods, including
13 through food demonstrations with local chefs and
14 restaurants.

15 (d) MATCHING REQUIREMENT.—To be eligible to re-
16 ceive a grant under this section, an eligible entity shall
17 agree to provide non-Federal contributions in an amount
18 equal to not less than 50 percent of the amount of Federal
19 funds provided under a grant under this section.

20 (e) DURATION.—A grant under this section shall be
21 awarded for a period of not more than 3 years.

22 (f) SUPPLEMENT, NOT SUPPLANT.—Funds made
23 available under this section shall be used to supplement,
24 and not supplant, any other Federal, State, or local funds

1 that would otherwise be available to carry out the services
2 assisted under this section.

3 (g) REPORTING.—Each eligible entity that receives a
4 grant under this section shall, on an annual basis during
5 each year of the grant period, report to the Secretary on—

6 (1) the number and type of, and the roles
7 played by, partners of the eligible entity involved in
8 the development and implementation of the entity’s
9 community-involvement plan described in subsection
10 (b)(2);

11 (2) the services coordinated or provided under
12 the community-involvement plan; and

13 (3) a description of the degree to which the eli-
14 gible entity has made progress in increasing student
15 access to physical activity, nutrition education, and
16 nutritious foods as a result of the services provided
17 under the community-development plan.

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

19 (1) CHILD-AND-YOUTH-SERVING ORGANIZA-
20 TION.—The term “child-and-youth-serving organiza-
21 tion” means a public or private organization with a
22 primary focus on providing to children and youth,
23 youth development programs, or health, fitness, edu-
24 cation, child welfare, psychological, parenting, or
25 recreation services.

1 (2) COMMUNITY-BASED ORGANIZATION.—The
2 term “community-based organization” means a pub-
3 lic or private nonprofit organization of demonstrated
4 effectiveness that—

5 (A) is representative of a community or
6 significant segments of a community; and

7 (B) provides nutrition, nutrition education,
8 or physical fitness services, or other related
9 services to individuals in the community.

10 (3) DURING THE REGULAR SCHOOL CAL-
11 ENDAR.—The phrase “during the regular school cal-
12 endar” refers to a period during the regular school
13 calendar during school hours.

14 (4) ELIGIBLE ENTITY.—

15 (A) IN GENERAL.—The term “eligible enti-
16 ty” means a local educational agency partici-
17 pating in the lunch program under the Richard
18 B. Russell National and the breakfast program
19 under section 4 of the Child Nutrition Act of
20 1966 (42 U.S.C. 1771 et seq.) that has estab-
21 lished a partnership with 1 or more entities de-
22 scribed in subparagraph (B).

23 (B) ENTITIES.—The entities described in
24 this subparagraph are as follows:

25 (i) A community-based organization.

1 (ii) A child-and-youth-serving organi-
2 zation or agency.

3 (iii) An institution of higher edu-
4 cation.

5 (iv) A hospital or health care provider.

6 (v) Other business or community part-
7 ner.

8 (5) INSTITUTION OF HIGHER EDUCATION.—The
9 term “institution of higher education” has the
10 meaning given the term in section 102 of the Higher
11 Education Act of 1965 (20 U.S.C. 1002).

12 (i) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 such sums as may be necessary for each of fiscal years
15 2011 through 2015.

16 **TITLE III—IMPROVING THE MAN-**
17 **AGEMENT AND INTEGRITY OF**
18 **CHILD NUTRITION PRO-**
19 **GRAMS**

20 **Subtitle A—National School Lunch**
21 **Program**

22 **SEC. 301. INDIRECT COSTS.**

23 (a) GUIDANCE ON INDIRECT COSTS RULES.—Not
24 later than 180 days after the date of enactment of this
25 Act, the Secretary shall issue guidance to school food au-

1 thorities participating in the school lunch program estab-
2 lished under the Richard B. Russell National School
3 Lunch Act (42 U.S.C. 1751 et seq.) and the school break-
4 fast program established by section 4 of the Child Nutri-
5 tion Act of 1966 (42 U.S.C. 1773) covering program rules
6 pertaining to allowable costs that may be charged to the
7 nonprofit school food service accounts, including indirect
8 costs and direct costs.

9 (b) INDIRECT AND DIRECT COSTS STUDY.—The Sec-
10 retary shall—

11 (1) conduct a study to assess the extent to
12 which school food authorities participating in the
13 school lunch program established under the Richard
14 B. Russell National School Lunch Act (42 U.S.C.
15 1751 et seq.) and the school breakfast program es-
16 tablished by section 4 of the Child Nutrition Act of
17 1966 (42 U.S.C. 1773) pay indirect and direct costs,
18 including assessments of—

19 (A) the allocation of indirect and direct
20 costs to such school food authorities;

21 (B) the methodologies used to establish in-
22 direct cost rates for such school food authori-
23 ties);

24 (C) the types and amounts of indirect costs
25 charged and recovered by school districts;

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 priation.

3 (f) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall take effect on July 1, 2011.

5 **SEC. 302. REVENUE FROM NONPROGRAM FOODS SOLD IN**
6 **SCHOOLS.**

7 (a) AMENDMENT.—Section 12 of the Richard B.
8 Russell National School Lunch Act (42 U.S.C. 1760) (as
9 amended by section 242) is amended by adding at the end
10 the following:

11 “(q) NONPROGRAM FOOD SALES.—

12 “(1) DEFINITION OF NONPROGRAM FOOD.—In
13 this subsection:

14 “(A) IN GENERAL.—The term nonprogram
15 food means food that is—

16 “(i) sold in a participating school
17 other than a reimbursable meal provided
18 under this Act or the Child Nutrition Act
19 of 1966 (42 U.S.C. 1771 et seq.); and

20 “(ii) purchased using funds from the
21 nonprofit school food service account of the
22 school food authority of the school.

23 “(B) INCLUSION.—The term nonprogram
24 food includes food that is sold in competition
25 with a program established under this Act or

1 the Child Nutrition Act of 1966 (42 U.S.C.
2 1771 et seq.).

3 “(2) REVENUES.—

4 “(A) IN GENERAL.—The proportion of
5 total school food service revenue provided by the
6 sale of nonprogram foods to the total revenue
7 of the school food service account shall be equal
8 to or greater than the proportion of total food
9 costs associated with obtaining nonprogram
10 foods to the total costs associated with obtain-
11 ing program and nonprogram foods from the
12 account.

13 “(B) ACCRUAL.—All revenue from the sale
14 of nonprogram foods shall accrue to the non-
15 profit school food service account of a partici-
16 pating school food authority.

17 “(3) REPORT.—Not later than 4 years after en-
18 actment of this subsection, the Secretary shall sub-
19 mit to the Committee on Education and Labor of
20 the House of Representatives and the Committee on
21 Agriculture, Nutrition, and Forestry of the Senate a
22 report describing the impact of implementation of
23 this subsection on financial accounting processes and
24 procedures, the nonprofit school food service ac-
25 count, and school food service operations.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on July 1, 2011.

3 **SEC. 303. REPORTING AND NOTIFICATION OF SCHOOL PER-**
4 **FORMANCE.**

5 Section 22 of the Richard B. Russell National School
6 Lunch Act (42 U.S.C. 1769c) is amended—

7 (1) by striking subsection (a) and inserting the
8 following:

9 “(a) UNIFIED ACCOUNTABILITY SYSTEM.—

10 “(1) IN GENERAL.—There shall be a unified
11 system prescribed and administered by the Secretary
12 to ensure that local food service authorities partici-
13 pating in the school lunch program established
14 under this Act and the school breakfast program es-
15 tablished by section 4 of the Child Nutrition Act of
16 1966 (42 U.S.C. 1773) comply with those Acts, in-
17 cluding compliance with—

18 “(A) the nutritional requirements of sec-
19 tion 9(f) of this Act for school lunches; and

20 “(B) as applicable, the nutritional require-
21 ments for school breakfasts under section
22 4(e)(1) of the Child Nutrition Act of 1966 (42
23 U.S.C. 1773(e)(1)).”; and

24 (2) in subsection (b)(1), by striking subpara-
25 graphs (A) and (B) and inserting the following:

1 “(A) require that local food service au-
2 thorities comply with the nutritional require-
3 ments described in subparagraphs (A) and (B)
4 of paragraph (1);

5 “(B) to the maximum extent practicable,
6 ensure compliance through reasonable audits
7 and supervisory assistance reviews;

8 “(C) in conducting audits and reviews for
9 the purpose of determining compliance with this
10 Act, including the nutritional requirements of
11 section 9(f)—

12 “(i) conduct audits and reviews dur-
13 ing a 3-year cycle or other period pre-
14 scribed by the Secretary;

15 “(ii) select schools for review in each
16 local educational agency using criteria es-
17 tablished by the Secretary;

18 “(iii) report the final results of the re-
19 views to the public in the State in an ac-
20 cessible, easily understood manner in ac-
21 cordance with guidelines promulgated by
22 the Secretary; and

23 “(iv) submit to the Secretary each
24 year a report containing the results of the

1 reviews in accordance with procedures de-
2 veloped by the Secretary; and

3 “(D) when any local food service authority
4 is reviewed under this section, ensure that the
5 final results of the review by the State edu-
6 cational agency are posted and otherwise made
7 available to the public on request in an acces-
8 sible, easily understood manner in accordance
9 with guidelines promulgated by the Secretary.”.

10 **SEC. 304. COMPLIANCE AND ACCOUNTABILITY STUDY.**

11 (a) IN GENERAL.—The Secretary of Agriculture shall
12 conduct a study to—

13 (1) assess the effectiveness and efficiency of ad-
14 ministrative review systems to ensure—

15 (A) each local educational agency partici-
16 pating in the school lunch program established
17 under the Richard B. Russell National School
18 Lunch Act (42 U.S.C. 1751 et seq.) complies
19 with the provisions of such Act, including the
20 provisions with respect to nutrition, eligibility,
21 meal counts, and claims for reimbursement;

22 (B) each local educational agency partici-
23 pating in the school breakfast program estab-
24 lished under section 4 of the Child Nutrition
25 Act of 1966 (42 U.S.C. 1773) complies with the

1 provisions of such Act, including the provisions
2 with respect to nutrition, eligibility, meal
3 counts, and claims for reimbursement; and

4 (C) each local educational agency described
5 in subparagraphs (A) and (B) is accountable
6 for the compliance described in such subpara-
7 graphs;

8 (2) design and test alternative processes and
9 procedures that may improve the effectiveness and
10 efficiency of the administrative review systems de-
11 scribed in paragraph (1), and determine the optimal
12 frequency for carrying out reviews under such sys-
13 tems; and

14 (3) identify any alternative processes and proce-
15 dures for establishing a more effective and efficient
16 administrative review system that—

17 (A) reflect the results of tests of alter-
18 native processes and procedures conducted pur-
19 suant to paragraph (2); and

20 (B) consider the practicality of imple-
21 menting such alternative processes and proce-
22 dures, including the cost and burden of imple-
23 mentation that would be imposed on school food
24 authorities, local educational agencies, and
25 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 foodservice 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 requirements
22 of the school food safety program described in
23 subparagraph (A) shall apply to any facility or
24 part of a facility where food is stored, prepared,
25 and served for the purposes of the school nutri-
26 tion programs under this Act and the school

1 breakfast program under section 4 of the Child
2 Nutrition Act of 1966 (42 U.S.C. 1773).”; and
3 (3) by adding at the end the following:

4 “(6) TRAINING REQUIREMENT.—

5 “(A) IN GENERAL.—Each school food au-
6 thority participating in a program under this
7 Act shall ensure that all school food service
8 workers employed by the authority shall—

9 “(i) have access to appropriate train-
10 ing under a qualified training program, as
11 described in subparagraph (B), on safe
12 handling, preparation, and delivery of food
13 to children participating in the school meal
14 programs; and

15 “(ii) comply with a performance
16 standard for safe food handling, deter-
17 mined by the Secretary that is consistent
18 with nationally recognized standards appli-
19 cable to the preparation and delivery of
20 meals served to children in a school envi-
21 ronment.

22 “(B) QUALIFIED TRAINING PROGRAM.—
23 School foodservice workers shall have access to
24 comprehensive food safety training programs
25 that, at a minimum, shall—

1 “(i) be based on a process approach to
2 Hazard Analysis Critical Control Point
3 (HACCP) principles established by the
4 Secretary; and

5 “(ii) include training related to—

6 “(I) personal hygiene and patho-
7 gens, including characteristics of ill-
8 ness (including foodborne illnesses);

9 “(II) safe food service operations,
10 including kitchen sanitation and
11 equipment maintenance;

12 “(III) safe food handling, prepa-
13 ration, and delivery including storage,
14 thawing, prepping, cooking, cooling
15 and reheating practices for all forms
16 of food, including fresh, frozen, and
17 canned 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 after section 28 (42 U.S.C. 1769i) the fol-
23 lowing:

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

2 “(a) FOOD AND NUTRITION SERVICE.—Not later
3 than 1 year after the date of enactment of the Improving
4 Nutrition for America’s Children Act, the Secretary, act-
5 ing through the Administrator of the Food and Nutrition
6 Service, shall—

7 “(1) in consultation with the Administrator of
8 the Agricultural Marketing Service and the Adminis-
9 trator of the Farm Service Agency, develop guide-
10 lines to determine the circumstances under which it
11 is appropriate for the Secretary to institute an ad-
12 ministrative hold on suspect foods purchased by the
13 Secretary that are being used in school meal pro-
14 grams under this Act and the Child Nutrition Act
15 of 1966 (42 U.S.C. 1771 et seq.);

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

19 “(3) improve the timeliness and completeness of
20 direct communication between the Food and Nutri-
21 tion Service and States about holds and recalls, such
22 as through the commodity alert system of the Food
23 and Nutrition Service; and

24 “(4) establish a timeframe to improve the com-
25 modity hold and recall procedures of the Department
26 of Agriculture to address the role of processors and

1 determine the involvement of distributors with proc-
2 essed products that may contain recalled ingredients,
3 to facilitate the provision of more timely and com-
4 plete information to schools.

5 “(b) FOOD SAFETY AND INSPECTION SERVICE.—Not
6 later than 1 year after the date of enactment of the Im-
7 proving Nutrition for America’s Children Act the Sec-
8 retary, acting through the Administrator of the Food
9 Safety and Inspection Service, shall revise the procedures
10 of the Food Safety and Inspection Service to ensure that
11 schools are included in effectiveness checks.”.

12 **SEC. 307. INFORMATION ON COMMODITY FOOD SUPPLIERS.**

13 Section 6 of the Richard B. Russell National School
14 Lunch Act (42 U.S.C. 1755) is amended by adding at the
15 end the following:

16 “(f) COMMODITY FOOD VENDORS.—The Secretary
17 shall make available to State agencies, school food authori-
18 ties, and the public on the website maintained by the Sec-
19 retary,—

20 “(1) a current listing of vendors that supply
21 commodity foods for use in the school nutrition pro-
22 grams under this Act and the Child Nutrition Act
23 of 1966 (42 U.S.C. 1771 et seq.);

24 “(2) information on the commodity food sup-
25 plied by each such vendor; and

1 “(3) any other information related to each such
2 vendor, as determined by the Secretary.”.

3 **SEC. 308. PRIVACY PROTECTION.**

4 Section 9(d)(1) of the Richard B. Russell National
5 School Lunch Act (42 U.S.C. 1758(d)(1)) is amended—

6 (1) in the first sentence, by inserting “the last
7 4 digits of” before “the social security account num-
8 ber”; and

9 (2) by striking the second sentence.

10 **SEC. 309. FINES FOR VIOLATING PROGRAM REQUIRE-**
11 **MENTS.**

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

15 “(e) FINES FOR VIOLATING PROGRAM REQUIRE-
16 MENTS.—

17 “(1) SCHOOL FOOD AUTHORITIES AND
18 SCHOOLS.—

19 “(A) IN GENERAL.—The Secretary shall
20 establish criteria by which the Secretary or a
21 State agency may impose a fine against any
22 school food authority or school administering a
23 program authorized under this Act or the Child
24 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)

1 if the Secretary or the State agency determines
2 that the school food authority or school has—

3 “(i) failed to correct severe mis-
4 management of the program;

5 “(ii) disregarded a program require-
6 ment of which the school food authority or
7 school had been informed; or

8 “(iii) failed to correct repeated viola-
9 tions of program requirements.

10 “(B) LIMITS.—

11 “(i) IN GENERAL.—In calculating the
12 fine for a school food authority or school,
13 the Secretary shall base the amount of the
14 fine on the reimbursement earned by
15 school food authority or school for the pro-
16 gram in which the violation occurred.

17 “(ii) AMOUNT.—The amount under
18 clause (i) shall not exceed—

19 “(I) 1 percent of the amount of
20 meal reimbursements earned for the
21 fiscal year for the first finding of 1 or
22 more program violations under sub-
23 paragraph (A);

24 “(II) 5 percent of the amount of
25 meal reimbursements earned for the

1 fiscal year for the second finding of 1
2 or more program violations under sub-
3 paragraph (A); and

4 “(III) 10 percent of the amount
5 of meal reimbursements earned for
6 the fiscal year for the third or subse-
7 quent finding of 1 or more program
8 violations under subparagraph (A).

9 “(2) STATE AGENCIES.—

10 “(A) IN GENERAL.—The Secretary shall
11 establish criteria by which the Secretary may
12 impose a fine against any State agency admin-
13 istering a program authorized under this Act or
14 the Child Nutrition Act of 1966 (42 U.S.C.
15 1771 et seq.) if the Secretary determines that
16 the State agency has—

17 “(i) failed to correct severe mis-
18 management of the program;

19 “(ii) disregarded a program require-
20 ment of which the State had been in-
21 formed; or

22 “(iii) failed to correct repeated viola-
23 tions of program requirements.

1 “(B) LIMITS.—In the case of a State agen-
2 cy, the amount of a fine under subparagraph
3 (A) shall not exceed—

4 “(i) 1 percent of funds made available
5 under section 7(a) of the Child Nutrition
6 Act of 1966 (42 U.S.C. 1776(a)) for State
7 administrative expenses during a fiscal
8 year for the first finding of 1 or more pro-
9 gram violations under subparagraph (A);

10 “(ii) 5 percent of funds made avail-
11 able under section 7(a) of the Child Nutri-
12 tion Act of 1966 (42 U.S.C. 1776(a)) for
13 State administrative expenses during a fis-
14 cal year for the second finding of 1 or
15 more program violations under subpara-
16 graph (A); and

17 “(iii) 10 percent of funds made avail-
18 able under section 7(a) of the Child Nutri-
19 tion Act of 1966 (42 U.S.C. 1776(a)) for
20 State administrative expenses during a fis-
21 cal year for the third or subsequent finding
22 of 1 or more program violations under sub-
23 paragraph (A).

1 “(3) SOURCE OF FUNDING.—Funds to pay a
2 fine imposed under paragraph (1) or (2) shall be de-
3 rived from non-Federal sources.”.

4 **SEC. 310. INDEPENDENT REVIEW OF APPLICATIONS.**

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

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

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

20 “(B) TIMELINESS.—The review of initial
21 eligibility determinations—

22 “(i) shall be completed in a timely
23 manner; and

24 “(ii) shall not result in the delay of an
25 eligibility determination for more than 10

1 operating days after the date on which the
2 application is submitted.

3 “(C) ACCEPTABLE TYPES OF REVIEW.—

4 Subject to standards established by the Sec-
5 retary, the system used to review eligibility de-
6 terminations for accuracy shall be conducted by
7 an individual or entity that did not make the
8 initial eligibility determination.

9 “(D) NOTIFICATION OF HOUSEHOLD.—

10 Once the review of an eligibility determination
11 has been completed under this paragraph, the
12 household shall be notified immediately of the
13 determination of eligibility or ineligibility for
14 free or reduced price meals.

15 “(E) REPORTING.—

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

23 “(I) the number and percentage
24 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 “(ii) STATE AGENCIES.—In accord-
7 ance with procedures established by the
8 Secretary, each State agency shall submit
9 to the Secretary a report describing the re-
10 sults of the reviews of initial eligibility de-
11 terminations, including—

12 “(I) the number and percentage
13 of reviewed applications for which the
14 eligibility determination was changed
15 and the type of change made; and

16 “(II) such other information as
17 the Secretary determines to be nec-
18 essary.

19 “(iii) TRANSPARENCY.—The Sec-
20 retary shall publish annually the results of
21 the reviews of initial eligibility determina-
22 tions by State, number, percentage, and
23 type of error.”.

1 **SEC. 311. PROGRAM EVALUATION.**

2 Section 28 of the Richard B. Russell National School
3 Lunch Act (42 U.S.C. 1769i) is amended by adding at
4 the end the following:

5 “(c) COOPERATION WITH PROGRAM RESEARCH AND
6 EVALUATION.—States, State educational agencies, local
7 educational agencies, schools, institutions, facilities, and
8 contractors participating in programs authorized under
9 this Act and the Child Nutrition Act of 1966 (42 U.S.C.
10 1771 et seq.) shall cooperate with officials and contractors
11 acting on behalf of the Secretary, in the conduct of evalua-
12 tions and studies under those Acts.”

13 **Subtitle B—Summer Food Service**
14 **Program**

15 **SEC. 321. SUMMER FOOD SERVICE PROGRAM PERMANENT**
16 **OPERATING AGREEMENTS.**

17 Section 13(b) of the Richard B. Russell National
18 School Lunch Act (42 U.S.C. 1761(b)) is amended by
19 striking paragraph (3) and inserting the following:

20 “(3) PERMANENT OPERATING AGREEMENTS
21 AND BUDGET FOR ADMINISTRATIVE COSTS.—

22 “(A) PERMANENT OPERATING AGREE-
23 MENTS.—

24 “(i) IN GENERAL.—Subject to clauses
25 (ii) and (iii), to participate in the program,
26 a service institution that meets the condi-

1 tions of eligibility described in this section
2 and in regulations promulgated by the Sec-
3 retary, shall be required to enter into a
4 permanent agreement with the applicable
5 State agency.

6 “(ii) AMENDMENTS.—A permanent
7 agreement described in clause (i) may be
8 amended as necessary to ensure that the
9 service institution is in compliance with all
10 requirements established in this section or
11 by the Secretary.

12 “(iii) TERMINATION.—A permanent
13 agreement described in clause (i)—

14 “(I) may be terminated for con-
15 venience by the service institution and
16 State agency that is a party to the
17 permanent agreement; and

18 “(II) shall be terminated—

19 “(aa) for cause by the appli-
20 cable State agency in accordance
21 with subsection (q) and with reg-
22 ulations promulgated by the Sec-
23 retary; or

1 “(bb) on termination of par-
2 ticipation of the service institu-
3 tion in the program.

4 “(B) BUDGET FOR ADMINISTRATIVE
5 COSTS.—

6 “(i) IN GENERAL.—When applying for
7 participation in the program, and not less
8 frequently than annually thereafter, each
9 service institution shall submit a complete
10 budget for administrative costs related to
11 the program, which shall be subject to ap-
12 proval by the State.

13 “(ii) AMOUNT.—Payment to service
14 institutions for administrative costs shall
15 equal the levels determined by the Sec-
16 retary pursuant to the study required in
17 paragraph (4).”.

18 **SEC. 322. SUMMER FOOD SERVICE PROGRAM DISQUALI-**
19 **FICATION.**

20 Section 13 of the Richard B. Russell National School
21 Lunch Act (42 U.S.C. 1761) is amended—

22 (1) by redesignating subsection (q) as sub-
23 section (r); and

24 (2) by inserting after subsection (p) the fol-
25 lowing:

1 “(q) TERMINATION AND DISQUALIFICATION OF PAR-
2 TICIPATING ORGANIZATIONS.—

3 “(1) IN GENERAL.—Each State agency shall
4 follow the procedures established by the Secretary
5 for the termination of participation of institutions
6 under the program.

7 “(2) FAIR HEARING.—The procedures described
8 in paragraph (1) shall include provision for a fair
9 hearing and prompt determination for any service
10 institution aggrieved by any action of the State
11 agency that affects—

12 “(A) the participation of the service insti-
13 tution in the program; or

14 “(B) the claim of the service institution for
15 reimbursement under this section.

16 “(3) LIST OF DISQUALIFIED INSTITUTIONS AND
17 INDIVIDUALS.—

18 “(A) IN GENERAL.—The Secretary shall
19 maintain a list of service institutions and indi-
20 viduals that have been terminated or otherwise
21 disqualified from participation in the program
22 under the procedures established pursuant to
23 paragraph (1).

24 “(B) AVAILABILITY.—The Secretary shall
25 make the list available to States for use in ap-

1 proving or renewing applications by service in-
2 stitutions for participation in the program.”.

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

5 **SEC. 331. RENEWAL OF APPLICATION MATERIALS AND PER-**
6 **MANENT OPERATING AGREEMENTS.**

7 (a) PERMANENT OPERATING AGREEMENTS.—Sec-
8 tion 17(d)(1) of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1766(d)(1)) is amended by adding
10 at the end the following:

11 “(E) PERMANENT OPERATING AGREE-
12 MENTS.—

13 “(i) IN GENERAL.—Subject to clauses
14 (ii) and (iii), to participate in the child and
15 adult care food program, an institution
16 that meets the conditions of eligibility de-
17 scribed in this subsection shall be required
18 to enter into a permanent agreement with
19 the applicable State agency.

20 “(ii) AMENDMENTS.—A permanent
21 agreement described in clause (i) may be
22 amended as necessary to ensure that the
23 institution is in compliance with all re-
24 quirements established in this section or by
25 the Secretary.

1 “(iii) TERMINATION.—A permanent
2 agreement described in clause (i)—

3 “(I) may be terminated for con-
4 venience by the institution or State
5 agency that is a party to the perma-
6 nent agreement; and

7 “(II) shall be terminated—

8 “(aa) for cause by the appli-
9 cable State agency in accordance
10 with paragraph (5); or

11 “(bb) on termination of par-
12 ticipation of the institution in the
13 child and adult care food pro-
14 gram.”.

15 (b) APPLICATIONS AND REVIEWS.—Section 17(d) of
16 the Richard B. Russell National School Lunch Act (42
17 U.S.C. 1766(d)) is amended by striking paragraph (2) and
18 inserting the following:

19 “(2) PROGRAM APPLICATIONS.—

20 “(A) IN GENERAL.—The Secretary shall
21 develop a policy under which each institution
22 providing child care that participates in the
23 program under this section shall—

24 “(i) submit to the State agency an ini-
25 tial application to participate in the pro-

1 gram that meets all requirements estab-
2 lished by the Secretary by regulation;

3 “(ii) annually confirm to the State
4 agency that the institution, and any facili-
5 ties of the institution in which the program
6 is operated by a sponsoring organization, is
7 in compliance with subsection (a)(5); and

8 “(iii) annually submit to the State
9 agency any additional information nec-
10 essary to confirm that the institution is in
11 compliance with all other requirements to
12 participate in the program, as established
13 in this Act and by the Secretary by regula-
14 tion.

15 “(B) REQUIRED REVIEWS OF SPONSORED
16 FACILITIES.—

17 “(i) IN GENERAL.—The Secretary
18 shall develop a policy under which each
19 sponsoring organization participating in
20 the program under this section shall con-
21 duct—

22 “(I) periodic unannounced site
23 visits at not less than 3-year intervals
24 to sponsored child and adult care cen-
25 ters and family or group day care

1 homes to identify and prevent man-
2 agement deficiencies and fraud and
3 abuse under the program; and

4 “(II) at least 1 scheduled site
5 visit each year to sponsored child and
6 adult care centers and family or group
7 day care homes to identify and pre-
8 vent management deficiencies and
9 fraud and abuse under the program
10 and to improve program operations.

11 “(ii) VARIED TIMING.—Sponsoring or-
12 ganizations shall vary the timing of unan-
13 nounced reviews under clause (i)(I) in a
14 manner that makes the reviews unpredict-
15 able to sponsored facilities.

16 “(C) REQUIRED REVIEWS OF INSTITU-
17 TIONS.—The Secretary shall develop a policy
18 under which each State agency shall conduct—

19 “(i) at least 1 scheduled site visit at
20 not less than 3-year intervals to each insti-
21 tution under the State agency participating
22 in the program under this section—

23 “(I) to identify and prevent man-
24 agement deficiencies and fraud and
25 abuse under the program; and

1 “(II) to improve program oper-
2 ations; and

3 “(ii) more frequent reviews of any in-
4 stitution that—

5 “(I) sponsors a significant share
6 of the facilities participating in the
7 program;

8 “(II) conducts activities other
9 than the program authorized under
10 this section;

11 “(III) has serious management
12 problems, as identified in a prior re-
13 view, or is at risk of having serious
14 management problems; or

15 “(IV) meets such other criteria
16 as are defined by the Secretary.

17 “(D) DETECTION AND DETERRENCE OF
18 ERRONEOUS PAYMENTS AND FALSE CLAIMS.—

19 “(i) IN GENERAL.—The Secretary
20 may develop a policy to detect and deter,
21 and recover erroneous payments to, and
22 false claims submitted by, institutions,
23 sponsored child and adult care centers, and
24 family or group day care homes partici-
25 pating in the program under this section.

1 “(ii) BLOCK CLAIMS.—

2 “(I) DEFINITION OF BLOCK
3 CLAIM.—In this clause, the term block
4 claim has the meaning given the term
5 in section 226.2 of title 7, Code of
6 Federal Regulations (or successor reg-
7 ulations).

8 “(II) PROGRAM EDIT CHECKS.—
9 The Secretary may not require any
10 State agency, sponsoring organization,
11 or other institution to perform edit
12 checks or on-site reviews relating to
13 the detection of block claims by any
14 child care facility.

15 “(III) ALLOWANCE.—Notwith-
16 standing subclause (II), the Secretary
17 may require any State agency, spon-
18 soring organization, or other institu-
19 tion to collect, store, and transmit to
20 the appropriate entity information
21 necessary to develop any other policy
22 developed under clause (i).”

23 (c) AGREEMENTS.—Section 17(j)(1) of the Richard
24 B. Russell National School Lunch Act (42 U.S.C.
25 1766(j)(1)) is amended—

- 1 (1) by striking “may” and inserting “shall”;
- 2 (2) by striking “family or group day care” the
- 3 first place it appears; and
- 4 (3) by inserting “or sponsored day care cen-
- 5 ters” before “participating”.

6 **SEC. 332. STATE LIABILITY FOR PAYMENTS TO AGGRIEVED**

7 **CHILD CARE INSTITUTIONS.**

8 Section 17(e) of the Richard B. Russell National

9 School Lunch Act (42 U.S.C. 1766(e)) is amended—

- 10 (1) in paragraph (3), by striking “(3) If a
- 11 State” and inserting the following:

12 “(5) SECRETARIAL HEARING.—If a State”; and

- 13 (2) by striking “(e) Except as provided” and all
- 14 that follows through “(2) A State” and inserting the
- 15 following:

16 “(e) HEARINGS.—

- 17 “(1) IN GENERAL.—Except as provided in para-
- 18 graph (4), each State agency shall provide, in ac-
- 19 cordance with regulations promulgated by the Sec-
- 20 retary, an opportunity for a fair hearing and a
- 21 prompt determination to any institution aggrieved
- 22 by any action of the State agency that affects—

23 “(A) the participation of the institution in

24 the program authorized by this section; or

1 “(B) the claim of the institution for reim-
2 bursement under this section.

3 “(2) REIMBURSEMENT.—In accordance with
4 paragraph (3), a State agency that fails to meet
5 timeframes for providing an opportunity for a fair
6 hearing and a prompt determination to any institu-
7 tion under paragraph (1) in accordance with regula-
8 tions promulgated by the Secretary, shall pay, from
9 non-Federal sources, all valid claims for reimburse-
10 ment to the institution and the facilities of the insti-
11 tution during the period beginning on the day after
12 the end of any regulatory deadline for providing the
13 opportunity and making the determination and end-
14 ing on the date on which a hearing determination is
15 made.

16 “(3) NOTICE TO STATE AGENCY.—The Sec-
17 retary shall provide written notice to a State agency
18 at least 30 days prior to imposing any liability for
19 reimbursement under paragraph (2).

20 “(4) FEDERAL AUDIT DETERMINATION.—A
21 State”.

22 **SEC. 333. APPLICATION SUBMISSION BY SPONSORED FAM-**
23 **ILY OR GROUP DAY CARE HOMES.**

24 Section 17(f)(3)(A)(iii)(III) of the Richard B. Russell
25 National School Lunch Act (42 U.S.C.

1 1766(f)(3)(A)(iii)(III)) is amended by adding at the end
2 the following:

3 “(dd) APPLICATION SUBMIS-
4 SION.—If a family or group day
5 care home elects to be provided
6 reimbursement factors described
7 in subclause (II), the family or
8 group day care home may assist
9 in the transmission of necessary
10 household income information to
11 the family or group day care
12 home sponsoring organization in
13 accordance with the policy de-
14 scribed in item (ee).

15 “(ee) POLICY.—The Sec-
16 retary shall develop a policy
17 under which a sponsored family
18 or group day care home described
19 in item (dd) may, under terms
20 and conditions specified by the
21 Secretary and with the written
22 consent of the parents or guard-
23 ians of a child in a family or
24 group day care home partici-
25 pating in the program, assist in

1 the transmission of the income
2 information of the family to the
3 family or group day care home
4 sponsoring organization.”.

5 **SEC. 334. ADMINISTRATIVE PAYMENTS TO SPONSORING**
6 **ORGANIZATIONS.**

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

10 “(B) ADMINISTRATIVE REIMBURSE-
11 MENTS.—

12 “(i) IN GENERAL.—In addition to re-
13 imbursement provided under subparagraph
14 (A), family or group day care home spon-
15 soring organizations shall receive reim-
16 bursement for the administrative expenses
17 in amounts not less than the sum of the
18 product obtained by multiplying—

19 “(I) the number of family and
20 group day care homes of the spon-
21 soring organization submitting a claim
22 for reimbursement in each month; by

23 “(II) the administrative reim-
24 bursement rate prescribed by the Sec-
25 retary.

1 “(ii) ADMINISTRATIVE REIMBURSE-
2 MENT RATE.—Effective July 1, 2011, the
3 Secretary shall increase the administrative
4 reimbursement rate prescribed by the Sec-
5 retary under clause (i)(II) by \$5 for each
6 family and group day care home of the
7 sponsoring organization submitting a claim
8 for reimbursement.

9 “(iii) ANNUAL ADJUSTMENT.—The re-
10 imbursement levels specified in clause (i)
11 shall be adjusted July 1 of each year to re-
12 flect changes in the Consumer Price Index
13 for All Urban Consumers published by the
14 Bureau of Labor Statistics of the Depart-
15 ment of Labor for all items for the most
16 recent 12-month period for which data are
17 available.

18 “(iv) CARRYOVER FUNDS.—The Sec-
19 retary shall develop procedures under
20 which not more than 10 percent of the
21 amount made available to sponsoring orga-
22 nizations for a fiscal year under this sec-
23 tion for administrative expenses for a fiscal
24 year may remain available to such organi-
25 zations for obligation or expenditure for

1 the succeeding fiscal year for such pur-
2 pose.”.

3 **SEC. 335. CHILD AND ADULT CARE FOOD PROGRAM AUDIT**
4 **FUNDING.**

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

8 “(2) FUNDING.—

9 “(A) IN GENERAL.—The Secretary shall
10 make available for each fiscal year to each
11 State agency administering the child and adult
12 care food program, for the purpose of con-
13 ducting audits of participating institutions, an
14 amount of up to 1.5 percent of the funds used
15 by each State in the program under this sec-
16 tion, during the second preceding fiscal year.

17 “(B) ADDITIONAL FUNDING.—

18 “(i) IN GENERAL.—Subject to clause
19 (ii), for fiscal year 2016 and each fiscal
20 year thereafter, the Secretary may increase
21 the amount of funds made available to any
22 State agency under subparagraph (A), if
23 the State agency demonstrates that the
24 State agency can effectively use the funds

1 to improve program management under
2 criteria established by the Secretary.

3 “(ii) LIMITATION.—The total amount
4 of funds made available to any State agen-
5 cy under this paragraph shall not exceed 2
6 percent of the funds used by each State
7 agency in the program under this section,
8 during the second preceding fiscal year.”.

9 **SEC. 336. REDUCING PAPERWORK AND IMPROVING PRO-**
10 **GRAM ADMINISTRATION.**

11 Section 17 of the Richard B. Russell National School
12 Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding
13 at the end the following:

14 “(u) REDUCING PAPERWORK AND IMPROVING PRO-
15 GRAM ADMINISTRATION.—

16 “(1) ESTABLISHMENT.—The Secretary, in con-
17 junction with States and participating institutions,
18 shall continue to examine the feasibility of reducing
19 unnecessary or duplicative paperwork resulting from
20 regulations and recordkeeping requirements for
21 State agencies, institutions, family and group day
22 care homes, and sponsored centers participating in
23 the program

24 “(2) DUTIES.—At a minimum, the examination
25 shall include—

1 “(A) review and evaluation of the rec-
2 ommendations, guidance, and regulatory prior-
3 ities developed and issued to comply with sec-
4 tion 119(i) of the Child Nutrition and WIC Re-
5 authorization Act of 2004 (42 U.S.C. 1766
6 note; Public Law 108–265);

7 “(B) examination of additional paperwork
8 and administrative requirements that have been
9 established since February 23, 2007, that could
10 be reduced or simplified; and

11 “(C) examination of any other aspect re-
12 garding the administration of the program, as
13 determined by the Secretary.

14 “(3) REPORT.—Not later than 4 years after the
15 date of enactment of this Act, the Secretary shall
16 submit to the Committee on Education and Labor of
17 the House of Representatives and the Committee on
18 Agriculture, Nutrition, and Forestry of the Senate a
19 report that describes the actions that have been
20 taken to carry out this section, including—

21 “(A) actions taken to address administra-
22 tive and paperwork burdens identified as a re-
23 sult of compliance with section 119(i) of the
24 Child Nutrition and WIC Reauthorization Act

1 of 2004 (42 U.S.C. 1766 note; Public Law
2 108–265);

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

7 “(C) additional steps that the Secretary is
8 taking or plans to take to address any adminis-
9 trative and paperwork burdens identified under
10 paragraph (2)(B) and subparagraph (B), in-
11 cluding—

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

14 “(ii) a timeframe for the completion
15 of those steps; and

16 “(D) recommendations to Congress for
17 modifications to existing statutory authorities
18 needed to address identified administrative and
19 paperwork burdens.”.

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

4 **SEC. 351. SHARING OF MATERIALS WITH OTHER PRO-**
5 **GRAMS.**

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

9 “(B) SHARING OF MATERIALS WITH
10 OTHER PROGRAMS.—

11 “(i) COMMODITY SUPPLEMENTAL
12 FOOD PROGRAM.—The Secretary may pro-
13 vide, in bulk quantity, nutrition education
14 materials (including materials promoting
15 breastfeeding) developed with funds made
16 available for the program authorized under
17 this section to State agencies administering
18 the commodity supplemental food program
19 established under section 5 of the Agri-
20 culture and Consumer Protection Act of
21 1973 (7 U.S.C. 612c note; Public Law 93–
22 86) at no cost to that program.

23 “(ii) CHILD AND ADULT CARE FOOD
24 PROGRAM.—A State agency may allow the
25 local agencies or clinics under the State

1 agency to share nutrition educational ma-
2 terials with institutions participating in the
3 child and adult care food program estab-
4 lished under section 17 of the Richard B.
5 Russell National School Lunch Act (42
6 U.S.C. 1766) at no cost to that program,
7 if a written materials sharing agreement
8 exists between the relevant agencies.”.

9 **SEC. 352. WIC PROGRAM MANAGEMENT.**

10 (a) WIC EVALUATION FUNDS.—Section 17(g)(5) of
11 the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5))
12 is amended by striking “\$5,000,000” and inserting
13 “\$15,000,000”.

14 (b) WIC REBATE PAYMENTS.—Section 17(h)(8) of
15 the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8))
16 is amended by adding at the end the following:

17 “(K) REPORTING.—Effective beginning
18 October 1, 2011, each State agency shall report
19 rebate payments received from manufacturers
20 in the month in which the payments are re-
21 ceived, rather than in the month in which the
22 payments were earned.”.

23 (c) COST CONTAINMENT MEASURE.—Section 17(h)
24 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h))
25 is amended—

1 (1) in paragraph (8)(A)(iv)(III), by striking
2 “Any” and inserting “Except as provided in para-
3 graph (9)(B)(i)(II), any”; and

4 (2) by striking paragraph (9) and inserting the
5 following:

6 “(9) COST CONTAINMENT MEASURE.—

7 “(A) DEFINITION OF COST CONTAINMENT
8 MEASURE.—In this subsection, the term cost
9 containment measure means a competitive bid-
10 ding, rebate, direct distribution, or home deliv-
11 ery system implemented by a State agency as
12 described in the approved State plan of oper-
13 ation and administration of the State agency.

14 “(B) SOLICITATION AND REBATE BILLING
15 REQUIREMENTS.—Any State agency instituting
16 a cost containment measure for any authorized
17 food, including infant formula, shall—

18 “(i) in the bid solicitation—

19 “(I) identify the composition of
20 State alliances for the purposes of a
21 cost containment measure; and

22 “(II) verify that no additional
23 States shall be added to the State alli-
24 ance between the date of the bid solici-
25 tation and the end of the contract;

1 “(ii) have a system to ensure that re-
2 bate invoices under competitive bidding
3 provide a reasonable estimate or an actual
4 count of the number of units sold to par-
5 ticipants in the program under this sec-
6 tion;

7 “(iii) open and read aloud all bids at
8 a public proceeding on the day on which
9 the bids are due; and

10 “(iv) unless otherwise exempted by
11 the Secretary, provide a minimum of 30
12 days between the publication of the solici-
13 tation and the date on which the bids are
14 due.

15 “(C) STATE ALLIANCES FOR AUTHORIZED
16 FOODS OTHER THAN INFANT FORMULA.—Pro-
17 gram requirements relating to the size of State
18 alliances under paragraph (8)(A)(iv) shall apply
19 to cost containment measures established for
20 any authorized food under this section.”.

21 (d) ELECTRONIC BENEFIT TRANSFER.—Section
22 17(h) of the Child Nutrition Act of 1966 (42 U.S.C.
23 1786(h)) is amended by striking paragraph (12) and in-
24 serting the following:

25 “(12) ELECTRONIC BENEFIT TRANSFER.—

1 “(A) DEFINITIONS.—In this paragraph:

2 “(i) ELECTRONIC BENEFIT TRANS-
3 FER.—The term electronic benefit transfer
4 means a food delivery system that provides
5 benefits using a card or other access device
6 approved by the Secretary that permits
7 electronic access to program benefits.

8 “(ii) PROGRAM.—The term program
9 means the special supplemental nutrition
10 program established by this section.

11 “(B) REQUIREMENTS.—

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

20 “(ii) RESPONSIBILITY.—The State
21 agency shall be responsible for the coordi-
22 nation and management of the electronic
23 benefit transfer system of the agency.

24 “(C) EXEMPTIONS.—

1 “(i) IN GENERAL.—To be eligible for
2 an exemption from the statewide imple-
3 mentation requirements of subparagraph
4 (B)(i), a State agency shall demonstrate to
5 the satisfaction of the Secretary 1 or more
6 of the following:

7 “(I) There are unusual techno-
8 logical barriers to implementation.

9 “(II) Operational costs are not
10 affordable within the nutrition serv-
11 ices and administration grant of the
12 State agency.

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

15 “(ii) SPECIFIC DATE.—A State agency
16 requesting an exemption under clause (i)
17 shall specify a date by which the State
18 agency anticipates statewide implementa-
19 tion described in subparagraph (B)(i).

20 “(D) REPORTING.—

21 “(i) IN GENERAL.—Each State agency
22 shall submit to the Secretary electronic
23 benefit transfer project status reports to
24 demonstrate the progress of the State to-
25 ward statewide implementation.

1 “(ii) CONSULTATION.—If a State
2 agency plans to incorporate additional pro-
3 grams in the electronic benefit transfer
4 system of the State, the State agency shall
5 consult with the State agency officials re-
6 sponsible for administering the programs
7 prior to submitting the planning docu-
8 ments to the Secretary for approval.

9 “(iii) REQUIREMENTS.—At a min-
10 imum, a status report submitted under
11 clause (i) shall contain—

12 “(I) an annual outline of the
13 electronic benefit transfer implemen-
14 tation goals and objectives of the
15 State;

16 “(II) appropriate updates in ac-
17 cordance with approval requirements
18 for active electronic benefit transfer
19 State agencies; and

20 “(III) such other information as
21 the Secretary may require.

22 “(E) IMPOSITION OF COSTS ON VEN-
23 DORS.—

24 “(i) COST PROHIBITION.—Except as
25 otherwise provided in this paragraph, the

1 Secretary may not impose, or allow a State
2 agency to impose, the costs of any equip-
3 ment or system required for electronic ben-
4 efit transfers on any authorized vendor in
5 order to transact electronic benefit trans-
6 fers if the vendor equipment or system is
7 used solely to support the program.

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

14 “(iii) FEES.—

15 “(I) IN GENERAL.—A vendor
16 that elects to accept electronic benefit
17 transfers using multifunction equip-
18 ment shall pay commercial transaction
19 processing costs and fees imposed by
20 a third-party processor that the ven-
21 dor elects to use to connect to the
22 electronic benefit transfer system of
23 the State.

24 “(II) INTERCHANGE FEES.—No
25 interchange fees shall apply to elec-

1 tronic benefit transfer transactions
2 under this paragraph.

3 “(iv) STATEWIDE OPERATIONS.—
4 After completion of statewide expansion of
5 a system for transaction of electronic ben-
6 efit transfers—

7 “(I) a State agency may not be
8 required to incur ongoing mainte-
9 nance costs for vendors using multi-
10 function systems and equipment to
11 support electronic benefit transfers;
12 and

13 “(II) any retail store in the State
14 that applies for authorization to be-
15 come a program vendor shall be re-
16 quired to demonstrate the capability
17 to accept program benefits electroni-
18 cally prior to authorization, unless the
19 State agency determines that the ven-
20 dor is necessary for participant ac-
21 cess.

22 “(F) MINIMUM LANE COVERAGE.—

23 “(i) IN GENERAL.—The Secretary
24 shall establish minimum lane coverage
25 guidelines for vendor equipment and sys-

1 tems used to support electronic benefit
2 transfers.

3 “(ii) PROVISION OF EQUIPMENT.—If
4 a vendor does not elect to accept electronic
5 benefit transfers using its own multi-
6 function equipment, the State agency shall
7 provide such equipment as is necessary to
8 solely support the program to meet the es-
9 tablished minimum lane coverage guide-
10 lines.

11 “(G) TECHNICAL STANDARDS.—The Sec-
12 retary shall—

13 “(i) establish technical standards and
14 operating rules for electronic benefit trans-
15 fer systems; and

16 “(ii) require each State agency, con-
17 tractor, and authorized vendor partici-
18 pating in the program to demonstrate com-
19 pliance with the technical standards and
20 operating rules.”.

21 (e) UNIVERSAL PRODUCT CODES DATABASE.—Sec-
22 tion 17(h) of the Child Nutrition Act of 1966 (42 U.S.C.
23 1786(h)) is amended by striking paragraph (13) and in-
24 serting the following:

1 “(13) UNIVERSAL PRODUCT CODES DATA-
2 BASE.—

3 “(A) IN GENERAL.—Not later than 2 years
4 after the date of enactment of the Improving
5 Nutrition for America’s Children Act, the Sec-
6 retary shall establish a national universal prod-
7 uct code database to be used by all State agen-
8 cies in carrying out the requirements of para-
9 graph (12).

10 “(B) FUNDING.—

11 “(i) IN GENERAL.—On October 1,
12 2010, and on each October 1 thereafter,
13 out of any funds in the Treasury not oth-
14 erwise appropriated, the Secretary of the
15 Treasury shall transfer to the Secretary to
16 carry out this paragraph \$1,000,000, to
17 remain available until expended.

18 “(ii) RECEIPT AND ACCEPTANCE.—
19 The Secretary shall be entitled to receive,
20 shall accept, and shall use to carry out this
21 paragraph the funds transferred under
22 clause (i), without further appropriation.

23 “(iii) USE OF FUNDS.—The Secretary
24 shall use the funds provided under clause
25 (i) for development, hosting, hardware and

1 software configuration, and support of the
2 database required under subparagraph
3 (A).”.

4 (f) TEMPORARY SPENDING AUTHORITY.—Section
5 17(i) of the Child Nutrition Act of 1966 (42 U.S.C.
6 1786(i)) is amended by adding at the end the following:

7 “(8) TEMPORARY SPENDING AUTHORITY.—
8 During each of fiscal years 2012 and 2013, the Sec-
9 retary may authorize a State agency to expend more
10 than the amount otherwise authorized under para-
11 graph (3)(C) for expenses incurred under this sec-
12 tion for supplemental foods during the preceding fis-
13 cal year, if the Secretary determines that—

14 “(A) there has been a significant reduction
15 in reported infant formula cost containment
16 savings for the preceding fiscal year due to the
17 implementation of subsection (h)(8)(K); and

18 “(B) the reduction would affect the ability
19 of the State agency to serve all eligible partici-
20 pants.”.

21 **Subtitle E—Miscellaneous**

22 **SEC. 361. FULL USE OF FEDERAL FUNDS.**

23 Section 12 of the Richard B. Russell National School
24 Lunch Act (42 U.S.C. 1760) (as amended by section 242)

1 is further amended by striking subsection (b) and insert-
2 ing the following:

3 “(b) AGREEMENTS.—

4 “(1) IN GENERAL.—The Secretary shall incor-
5 porate, in the agreement of the Secretary with the
6 State agencies administering programs authorized
7 under this Act or the Child Nutrition Act of 1966
8 (42 U.S.C. 1771 et seq.), the express requirements
9 with respect to the operation of the programs to the
10 extent applicable and such other provisions as in the
11 opinion of the Secretary are reasonably necessary or
12 appropriate to effectuate the purposes of this Act
13 and the Child Nutrition Act of 1966 (42 U.S.C.
14 1771 et seq.).

15 “(2) EXPECTATIONS FOR USE OF FUNDS.—
16 Agreements described in paragraph (1) shall include
17 a provision that—

18 “(A) supports full use of Federal funds
19 provided to State agencies for the administra-
20 tion of programs authorized under this Act or
21 the Child Nutrition Act of 1966 (42 U.S.C.
22 1771 et seq.); and

23 “(B) excludes the Federal funds from
24 State budget restrictions or limitations includ-
25 ing, at a minimum—

1 “(i) hiring freezes;
2 “(ii) work furloughs; and
3 “(iii) travel restrictions.”.

4 **SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND IN-**
5 **DIVIDUALS.**

6 Section 12 of the Richard B. Russell National School
7 Lunch Act (42 U.S.C. 1760) (as amended by section 361)
8 is further amended by adding at the end the following:
9 “(r) DISQUALIFIED SCHOOLS, INSTITUTIONS, AND
10 INDIVIDUALS.—Any school, institution, service institution,
11 facility, or individual that has been terminated from any
12 program authorized under this Act or the Child Nutrition
13 Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of
14 disqualified institutions and individuals under section 13
15 or section 17(d)(5)(E) of this Act may not be approved
16 to participate in or administer any program authorized
17 under this Act or the Child Nutrition Act of 1966 (42
18 U.S.C. 1771 et seq.).”.

1 **TITLE IV—MISCELLANEOUS**
2 **Subtitle A—Reauthorization of**
3 **Expiring Provisions**

4 **PART 1—RICHARD B. RUSSELL NATIONAL**
5 **SCHOOL LUNCH ACT**

6 **SEC. 401. COMMODITY SUPPORT.**

7 Section 6(e)(1)(B) of the Richard B. Russell National
8 School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended
9 by striking “September 30, 2010” and inserting “Sep-
10 tember 30, 2020”.

11 **SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.**

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

14 (1) in paragraph (3), by striking “2006
15 through 2010” and inserting “2011 through 2015”;
16 and

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

19 **SEC. 403. AUTHORIZATION OF THE SUMMER FOOD SERVICE**
20 **PROGRAM FOR CHILDREN.**

21 Subsection (r) of section 13 of the Richard B. Russell
22 National School Lunch Act (42 U.S.C. 1761) (as redesign-
23 nated by section 322(1)) is amended by striking “Sep-
24 tember 30, 2009” and inserting “September 30, 2015”.

1 **SEC. 404. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.**

2 Section 18 of the Richard B. Russell National School
3 Lunch Act (42 U.S.C. 1769) is amended by striking sub-
4 section (j) (as redesignated by section 208(1)).

5 **SEC. 405. TRAINING, TECHNICAL ASSISTANCE, AND FOOD**
6 **SERVICE MANAGEMENT INSTITUTE.**

7 Section 21(e) of the Richard B. Russell National
8 School Lunch Act (42 U.S.C. 1769b-1(e)) is amended—
9 (1) by striking “(e) AUTHORIZATION OF AP-
10 PROPRIATIONS” and all that follows through the end
11 of paragraph (2)(A) and inserting the following:

12 “(e) FOOD SERVICE MANAGEMENT INSTITUTE.—

13 “(1) FUNDING.—

14 “(A) IN GENERAL.—In addition to any
15 amounts otherwise made available for fiscal
16 year 2011, on October 1, 2010, and each Octo-
17 ber 1 thereafter, out of any funds in the Treas-
18 ury not otherwise appropriated, the Secretary of
19 the Treasury shall transfer to the Secretary to
20 carry out subsection (a)(2) \$5,000,000, to re-
21 main available until expended.

22 “(B) RECEIPT AND ACCEPTANCE.—The
23 Secretary shall be entitled to receive, shall ac-
24 cept, and shall use to carry out subsection
25 (a)(2) the funds transferred under subpara-
26 graph (A), without further appropriation.”;

1 (2) by redesignating subparagraphs (B) and
2 (C) as paragraphs (2) and (3), respectively, and in-
3 denting appropriately;

4 (3) in paragraph (2) (as so redesignated), by
5 striking “subparagraph (A)” each place it appears
6 and inserting “paragraph (1)”; and

7 (4) in paragraph (3) (as so redesignated), by
8 striking “subparagraphs (A) and (B)” and inserting
9 “paragraphs (1) and (2)”.

10 **SEC. 406. FEDERAL ADMINISTRATIVE SUPPORT.**

11 Section 21(g)(1)(A) of the Richard B. Russell Na-
12 tional School Lunch Act (42 U.S.C. 1769b-1(g)(1)(A)) is
13 amended—

14 (1) in clause (i), by striking “and” at the end;

15 (2) in clause (ii), by striking the period at the
16 end and inserting “; and”; and

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

18 “(iii) on October 1, 2010, and each
19 October 1 thereafter, \$4,000,000.”.

20 **SEC. 407. COMPLIANCE AND ACCOUNTABILITY.**

21 Section 22(d) of the Richard B. Russell National
22 School Lunch Act (42 U.S.C. 1769c(d)) is amended by
23 striking “\$6,000,000 for each of fiscal years 2004 through
24 2009” and inserting “\$10,000,000 for each of fiscal years
25 2011 through 2015”.

1 **SEC. 408. INFORMATION CLEARINGHOUSE.**

2 Section 26(d) of the Richard B. Russell National
3 School Lunch Act (42 U.S.C. 1769g(d)) is amended in
4 the first sentence by striking “\$250,000 for each of fiscal
5 years 2005 through 2009” and inserting “\$1,000,000 for
6 each of fiscal years 2010 through 2015”.

7 **PART 2—CHILD NUTRITION ACT OF 1966**

8 **SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.**

9 Section 7(i)(4) of the Child Nutrition Act of 1966
10 (42 U.S.C. 1776(i)(4)) is amended by striking “2005
11 through 2009” and inserting “2010 through 2015”.

12 **SEC. 422. STATE ADMINISTRATIVE EXPENSES.**

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

16 **SEC. 423. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**
17 **FOR WOMEN, INFANTS, AND CHILDREN.**

18 Section 17(g)(1)(A) of the Child Nutrition Act of
19 1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking
20 “each of fiscal years 2004 through 2009” and inserting
21 “each of fiscal years 2010 through 2015”.

22 **SEC. 424. FARMERS MARKET NUTRITION PROGRAM.**

23 Section 17(m)(9) of the Child Nutrition Act of 1966
24 (42 U.S.C. 1786(m)(9)) is amended by striking subpara-
25 graph (A) and inserting the following:

1 “(A) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There are authorized to be appro-
3 priated to carry out this subsection such sums
4 as are necessary for each of fiscal years 2010
5 through 2015.”.

6 **Subtitle B—Technical Amendments**

7 **SEC. 441. TECHNICAL AMENDMENTS.**

8 (a) RICHARD B. RUSSELL NATIONAL SCHOOL
9 LUNCH ACT.—

10 (1) NUTRITIONAL REQUIREMENTS.—Section
11 9(f) of the Richard B. Russell National School
12 Lunch Act (42 U.S.C. 1758(f)) is amended—

13 (A) by striking “(f)” and all that follows
14 through the end of paragraph (1) and inserting
15 the following:

16 “(f) NUTRITIONAL REQUIREMENTS.—

17 “(1) IN GENERAL.—Schools that are partici-
18 pating in the school lunch program or school break-
19 fast program shall serve lunches and breakfasts
20 that—

21 “(A) are consistent with the goals of the
22 most recent Dietary Guidelines for Americans
23 published under section 301 of the National
24 Nutrition Monitoring and Related Research Act
25 of 1990 (7 U.S.C. 5341); and

1 “(B) consider the nutrient needs of chil-
2 dren who may be at risk for inadequate food in-
3 take and food insecurity.”;

4 (B) by striking paragraph (2); and

5 (C) by redesignating paragraphs (3)
6 through (5) as paragraphs (2) through (4), re-
7 spectively.

8 (2) ROUNDING RULES FOR COMPUTATION OF
9 ADJUSTMENT.—Section 11(a)(3)(B) of the Richard
10 B. Russell National School Lunch Act (42 U.S.C.
11 1759a(a)(3)(B)) is amended by striking “ROUND-
12 ING.—” and all that follows through “On July” in
13 subclause (II) and inserting “ROUNDING.—On
14 July”.

15 (3) INFORMATION AND ASSISTANCE CON-
16 CERNING REIMBURSEMENT OPTIONS.—Section 11 of
17 the Richard B. Russell National School Lunch Act
18 (42 U.S.C. 1759a) is amended by striking subsection
19 (f).

20 (4) 1995 REGULATIONS TO IMPLEMENT DIE-
21 TARY GUIDELINES.—Section 12 of the Richard B.
22 Russell National School Lunch Act (42 U.S.C.
23 1760)(as amended by section 362) is further amend-
24 ed by striking subsection (k).

1 (5) SUMMER FOOD SERVICE PROGRAM FOR
2 CHILDREN.—

3 (A) IN GENERAL.—Section 13 of the Rich-
4 ard B. Russell National School Lunch Act (42
5 U.S.C. 1761) is amended by striking the section
6 heading and all that follows through the end of
7 subsection (a)(1) and inserting the following:

8 **“SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHIL-**
9 **DREN.**

10 “(a) IN GENERAL.—

11 “(1) DEFINITIONS.—In this section:

12 “(A) AREA IN WHICH POOR ECONOMIC
13 CONDITIONS EXIST.—

14 “(i) IN GENERAL.—Subject to clause
15 (ii), the term area in which poor economic
16 conditions exist, as the term relates to an
17 area in which a program food service site
18 is located, means—

19 “(I) the attendance area of a
20 school in which at least 50 percent of
21 the enrolled children have been deter-
22 mined eligible for free or reduced
23 price school meals under this Act and
24 the Child Nutrition Act of 1966 (42
25 U.S.C. 1771 et seq.);

1 “(II) a geographic area, as de-
2 fined by the Secretary based on the
3 most recent census data available, in
4 which at least 50 percent of the chil-
5 dren residing in that area are eligible
6 for free or reduced price school meals
7 under this Act and the Child Nutri-
8 tion Act of 1966 (42 U.S.C. 1771 et
9 seq.);

10 “(III) an area—

11 “(aa) for which the program
12 food service site documents the
13 eligibility of enrolled children
14 through the collection of income
15 eligibility statements from the
16 families of enrolled children or
17 other means; and

18 “(bb) at least 50 percent of
19 the children enrolled at the pro-
20 gram food service site meet the
21 income standards for free or re-
22 duced price school meals under
23 this Act and the Child Nutrition
24 Act of 1966 (42 U.S.C. 1771 et
25 seq.);

1 “(IV) a geographic area, as de-
2 fined by the Secretary based on infor-
3 mation provided from a department of
4 welfare or zoning commission, in
5 which at least 50 percent of the chil-
6 dren residing in that area are eligible
7 for free or reduced price school meals
8 under this Act and the Child Nutri-
9 tion Act of 1966 (42 U.S.C. 1771 et
10 seq.); or

11 “(V) an area for which the pro-
12 gram food service site demonstrates
13 through other means approved by the
14 Secretary that at least 50 percent of
15 the children enrolled at the program
16 food service site are eligible for free or
17 reduced price school meals under this
18 Act and the Child Nutrition Act of
19 1966 (42 U.S.C. 1771 et seq.).

20 “(ii) DURATION OF DETERMINA-
21 TION.—A determination that an area is an
22 area in which poor economic conditions
23 exist under clause (i) shall be in effect
24 for—

1 “(I) in the case of an area de-
2 scribed in clause (i)(I), 5 years;

3 “(II) in the case of an area de-
4 scribed in clause (i)(II), until more re-
5 cent census data are available;

6 “(III) in the case of an area de-
7 scribed in clause (i)(III), 1 year; and

8 “(IV) in the case of an area de-
9 scribed in subclause (IV) or (V) of
10 clause (i), a period of time to be de-
11 termined by the Secretary, but not
12 less than 1 year.

13 “(B) CHILDREN.—The term children
14 means—

15 “(i) individuals who are 18 years of
16 age and under; and

17 “(ii) individuals who are older than 18
18 years of age who are—

19 “(I) determined by a State edu-
20 cational agency or a local public edu-
21 cational agency of a State, in accord-
22 ance with regulations promulgated by
23 the Secretary, to have a disability;
24 and

1 “(II) participating in a public or
2 nonprofit private school program es-
3 tablished for individuals who have a
4 disability.

5 “(C) PROGRAM.—The term program
6 means the summer food service program for
7 children authorized by this section.

8 “(D) SERVICE INSTITUTION.—The term
9 service institution means a public or private
10 nonprofit school food authority, local, munic-
11 ipal, or county government, public or private
12 nonprofit higher education institution partici-
13 pating in the National Youth Sports Program,
14 or residential public or private nonprofit sum-
15 mer camp, that develops special summer or
16 school vacation programs providing food service
17 similar to food service made available to chil-
18 dren during the school year under the school
19 lunch program under this Act or the school
20 breakfast program under the Child Nutrition
21 Act of 1966 (42 U.S.C. 1771 et seq.).

22 “(E) STATE.—The term ‘State’ means—

23 “(i) each of the several States of the
24 United States;

25 “(ii) the District of Columbia;

1 “(iii) the Commonwealth of Puerto
2 Rico;
3 “(iv) Guam;
4 “(v) American Samoa;
5 “(vi) the Commonwealth of the North-
6 ern Mariana Islands; and
7 “(vii) the United States Virgin Is-
8 lands.”.

9 (B) CONFORMING AMENDMENTS.—Section
10 13(a) of the Richard B. Russell National School
11 Lunch Act (42 U.S.C. 1761(a)) (as amended by
12 section 113) is further amended—

13 (i) in paragraph (2)—

14 (I) by striking “(2) To the max-
15 imum extent feasible,” and inserting
16 the following:

17 “(2) PROGRAM AUTHORIZATION.—

18 “(A) IN GENERAL.—The Secretary may
19 carry out a program to assist States, through
20 grants-in-aid and other means, to initiate and
21 maintain nonprofit summer food service pro-
22 grams for children in service institutions.

23 “(B) PREPARATION OF FOOD.—

24 “(i) IN GENERAL.—To the maximum
25 extent feasible,”; and

1 (II) by striking “The Secretary
2 shall” and inserting the following:

3 “(ii) INFORMATION AND TECHNICAL
4 ASSISTANCE.—The Secretary shall”;

5 (ii) in paragraph (3)—

6 (I) by striking “(3) Eligible serv-
7 ice institutions” and inserting the fol-
8 lowing:

9 “(3) ELIGIBLE SERVICE INSTITUTIONS.—Eligi-
10 ble service institutions”; and

11 (II) by indenting subparagraphs
12 (A) through (D) appropriately;

13 (iii) in paragraph (4)—

14 (I) by redesignating subpara-
15 graphs (A) through (D) as clauses (i)
16 through (iv), respectively, and indent-
17 ing appropriately;

18 (II) by striking “(4) The fol-
19 lowing” and inserting the following:

20 “(4) PRIORITY.—

21 “(A) IN GENERAL.—The following”; and

22 (III) by striking “The Secretary
23 and the States” and inserting the fol-
24 lowing:

1 “(B) RURAL AREAS.—The Secretary and
2 the States”;

3 (iv) by striking “(5) Camps” and in-
4 serting the following:

5 “(5) CAMPS.—Camps”; and

6 (v) by striking “(6) Service institu-
7 tions” and inserting the following:

8 “(6) GOVERNMENT INSTITUTIONS.—Service in-
9 stitutions”.

10 (6) REPORT ON IMPACT OF PROCEDURES TO
11 SECURE STATE SCHOOL INPUT ON COMMODITY SE-
12 LECTION.—Section 14(d) of the Richard B. Russell
13 National School Lunch Act (42 U.S.C. 1762a(d)) is
14 amended by striking the matter that follows para-
15 graph (5).

16 (7) RURAL AREA DAY CARE HOME PILOT PRO-
17 GRAM.—Section 17 of the Richard B. Russell Na-
18 tional School Lunch Act (42 U.S.C. 1766) is amend-
19 ed by striking subsection (p).

20 (8) CHILD AND ADULT CARE FOOD PROGRAM
21 TRAINING AND TECHNICAL ASSISTANCE.—Section
22 17(q) of the Richard B. Russell National School
23 Lunch Act (42 U.S.C. 1766(q)) is amended by strik-
24 ing paragraph (3).

1 (9) PILOT PROJECT FOR PRIVATE NONPROFIT
2 STATE AGENCIES.—Section 18 of the Richard B.
3 Russell National School Lunch Act (42 U.S.C.
4 1769) is amended by striking subsection (a).

5 (10) MEAL COUNTING AND APPLICATION PILOT
6 PROGRAMS.—Section 18(c) of the Richard B. Russell
7 National School Lunch Act (42 U.S.C. 1769(c)) is
8 amended—

9 (A) by striking paragraphs (1) and (2);
10 and

11 (B) by redesignating paragraphs (3) and
12 (4) as paragraphs (1) and (2), respectively.

13 (11) MILK FORTIFICATION PILOT.—Section 18
14 of the Richard B. Russell National School Lunch
15 Act (42 U.S.C. 1769) is amended by striking sub-
16 section (d).

17 (12) FREE BREAKFAST PILOT PROJECT.—Sec-
18 tion 18 of the Richard B. Russell National School
19 Lunch Act (42 U.S.C. 1769) is amended by striking
20 subsection (e).

21 (13) SUMMER FOOD SERVICE RESIDENTIAL
22 CAMP ELIGIBILITY.—Section 18 of the Richard B.
23 Russell National School Lunch Act (42 U.S.C.
24 1769) is amended by striking subsection (f).

1 (14) FRESH FRUIT AND VEGETABLE PRO-
2 GRAM.—Subsection (b) of section 19 of the Richard
3 B. Russell National School Lunch Act (42 U.S.C.
4 1769a(b)) is amended to read as follows:

5 “(b) PROGRAM.—A school participating in the pro-
6 gram—

7 “(1) shall make free fresh fruits and vegetables
8 available to students throughout the school day (or
9 at such other times as are considered appropriate by
10 the Secretary) in 1 or more areas designated by the
11 school; and

12 “(2) may make free dried fruit available to stu-
13 dents throughout the school day (or at such other
14 times as are considered appropriate by the Sec-
15 retary) in 1 or more areas designated by the school
16 only if such dried fruit—

17 “(A) contains no added sugar; and

18 “(B) meets any additional specifications,
19 as established by the Secretary.”.

20 (15) ACCOMMODATION OF THE SPECIAL DIE-
21 TARY NEEDS OF INDIVIDUALS WITH DISABILITIES.—
22 Section 27 of the Richard B. Russell National
23 School Lunch Act (42 U.S.C. 1769h) is repealed.

24 (b) CHILD NUTRITION ACT OF 1966.—

1 (1) STATE ADMINISTRATIVE EXPENSES MIN-
2 IMUM LEVELS FOR 2005 THROUGH 2007.—Section
3 7(a)(1) of the Child Nutrition Act of 1966 (42
4 U.S.C. 1776(a)(1)) is amended—

5 (A) in subparagraph (A), by striking “Ex-
6 cept as provided in subparagraph (B), each fis-
7 cal year” and inserting “Each fiscal year”;

8 (B) by striking subparagraph (B); and

9 (C) by redesignating subparagraph (C) as
10 subparagraph (B).

11 (2) FRUIT AND VEGETABLE GRANTS UNDER
12 THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM
13 FOR WOMEN, INFANTS, AND CHILDREN.—Section
14 17(f)(11) of the Child Nutrition Act of 1966 (42
15 U.S.C. 1786(f)(11)) is amended—

16 (A) by striking subparagraph (C); and

17 (B) by redesignating subparagraph (D) (as
18 amended by section 232) and subparagraph (E)
19 as subparagraphs (C) and (D), respectively.

20 **SEC. 442. EQUIPMENT ASSISTANCE TECHNICAL CORREC-**
21 **TION.**

22 Notwithstanding any other provision of law, school
23 food authorities that received a grant for equipment as-
24 sistance under the grant program carried out under the
25 heading “Food and Nutrition Service Child Nutrition Pro-

1 grams” in title I of division A of the American Recovery
2 and Reinvestment Act of 2009 (Public Law 111–5; 123
3 Stat. 119) shall be eligible to receive a grant under section
4 749(j) of the Agriculture, Rural Development, Food and
5 Drug Administration, and Related Agencies Appropria-
6 tions Act, 2010 (Public Law 111–80; 123 Stat. 2134) to
7 make equipment available to schools that did not pre-
8 viously receive equipment assistance under a grant under
9 such heading (Public Law 111–5; 123 Stat. 119).

10 **SEC. 443. BUDGETARY EFFECTS.**

11 The budgetary effects of this Act, for the purpose of
12 complying with the Statutory Pay-As-You-Go-Act of 2010,
13 shall be determined by reference to the latest statement
14 titled “Budgetary Effects of PAYGO Legislation” for this
15 Act, submitted for printing in the Congressional Record
16 by the Chairman of the Senate Budget Committee, pro-
17 vided that such statement has been submitted prior to the
18 vote on passage.

19 **SEC. 444. EFFECTIVE DATE.**

20 Except as otherwise specifically provided in this Act
21 or any of the amendments made by this Act, this Act and
22 the amendments made by this Act take effect on October
23 1, 2010.