time of historic deficits, record debt, and 10 percent unemployment, I believe we owe our constituents more than the status quo. Let's start cutting spending, Mr. Speaker, today. I urge a ''no'' vote.

Mr. Speaker, I am pleased to yield 3 minutes to my colleague from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Today's CR is nothing but a continuation of the culture of overspending, persistence of a broken process, and a refusal to make the tough decisions, end earmarks, and do the job we were sent here to do. As a result, our Federal spending is off the charts. We are staring at another trillion-dollar budget deficit. Debts are stacking up over $13 trillion. Unemployment continues to hover around 10 percent, and congressional approval by the public remains at an all-time and dangerous low.

For the past 2 years, the administration has been given a free hand, with an unlimited credit card. The results are mind-boggling: 27 percent in growth in nondefense discretionary spending since 2008. And that's not including the bailouts and a failed stimulus package. Meanwhile, the Appropriations Committee has not done its job. No checks, no balances, no discipline, no bills.

What do we have to show for our work this year on the committee and in the Congress? A 2-week extension of more of the same. A date change is the sum total of the work of the Appropriations Committee. Disappointing to say the least. I believe we can do much better by severely cutting spending, conducting rigorous and thoughtful oversight, changing the culture of appropriations, and performing outreach inside and outside the Congress.

Fortunately, I believe wholesale change is on the way, Mr. Speaker. We have got to cut discretionary spending and exert fiscal discipline on fat agencies. We have got to stop the administration's regulatory war on small businesses and working families and rein in the out-of-control bureaucracies like the EPA. And we have got to start listening to the American people and their views rather than building these bills in the Speaker's office behind closed doors. Let's let the light shine in and open up some closets around that stale office.

Mr. Speaker, I urge the House to reject this 2-week delay, cut spending, return to regular order, and conduct our business out in the open.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I made a mistake here today. I assumed that because the election was over that we would have at least a temporary suspension of election-year rhetoric. But evidently I was wrong. It's not the first time, but nonetheless I had hoped it would be otherwise today.

Let me simply say that I will take a lot of lectures from a lot of people on a lot of subjects, because I have made more than my share of mistakes in the years that I have served in this place. But the one thing that I will not take is lectures from the other side about fiscal responsibility. I mean, these are the folks who managed to turn $6 trillion in expected surpluses when Bill Clinton left office into a $1 trillion deficit. These are the same folks who insisted on passing two tax cuts primarily targeted at the wealthiest people in this country, all paid for with borrowed money.

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These are the same folks that have insisted that we fight two wars on borrowed money rather than paying the bills. And these are the same folks who attacked President Obama for the so-called bailouts when, in fact, the mother of all bailouts, TARP, was brought to this Congress by the previous Republican administration.

While I don't like the way they implemented that bailout, I happen to think that that administration did what was necessary under the circumstances, circumstances created in large part by previous policies that were pursued by the folks running Washington, D.C. I don't want to go any further than that. I didn't intend to get into the political side of the debate, but neither am I going to sit by and have these comments go unanswered.

With that, I would simply say this, again, is a very simple proposition. It extends the budget for 2 weeks at existing levels so that the Congress can make an attempt to finish its work so that we do not do what was done to us 4 years ago, because when we took over 4 years ago, we had to clean up all of the last year's fiscal mess before we could turn to next year's problems.

I would think that it is worth trying to finish action on our budget this year so that our friends, as they assume majority status in January, can start with a clean slate and be looking forward rather than backwards, and this resolution is an attempt to facilitate that. I urge passage of it.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1741, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1742, I call up the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Healthy, Hunger-Free Kids Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for 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. Improving direct certification.
Sec. 102. Categorical eligibility of foster children.
Sec. 103. Direct certification for children receiving Medicaid benefits.
Sec. 104. Eliminating individual applications through community eligibility.
Sec. 105. Grants for expansion of school breakfast programs.

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 support grants.

Subtitle C—Child and Adult Care Food Program

Sec. 121. Simplifying area eligibility determinations in the child and adult care food program.
Sec. 122. Expansion of afterschool meals for at-risk children.

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. Review of local policies on meal charges and provision of alternate meals.

TITLE II—REDUCING CHILDHOOD OBESITY AND IMPROVING THE DIETS OF CHILDREN

Subtitle A—National School Lunch Program

Sec. 201. Performance-based reimbursement rate increases for new meal patterns.
Sec. 202. Nutrition requirements for fluid milk.
Sec. 203. Water.
Sec. 204. Local school wellness policy implementation.
Sec. 205. Equity in school lunch pricing.
Sec. 206. Revenue from nonprogram foods sold in schools.
Sec. 207. Reporting and notification of school performance.
Sec. 208. Nutrition standards for all foods sold in school.
Sec. 209. Information for the public on the school nutrition environment.
Sec. 210. Organic food pilot program.

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. Interagency coordination to promote health and wellness in child care licensing.
Sec. 223. 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. 241. Nutrition education and obesity prevention grant program.
Sec. 242. Procurement and processing of food service products and commodities.
Sec. 243. Access to Local Foods: Farm to School Program.
Sec. 244. Research on strategies to promote the selection and consumption of healthy foods.
TITLE III—IMPROVING THE MANAGEMENT AND INTEGRITY OF CHILD NUTRITION PROGRAMS
Subtitle A—National School Lunch Program
Sec. 301. Privacy protection.
Sec. 302. Applicability of food safety program on entire school campus.
Sec. 303. Fines for violating program requirements.
Sec. 304. Independent review of applications.
Sec. 305. Program evaluation.
Sec. 306. Professional standards for school food service.
Sec. 307. Indirect costs.
Sec. 308. Ensuring safety of school meals.
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. Transmission of income information by sponsored family or group day care homes.
Sec. 334. Simplifying and enhancing administrative payments to sponsoring organizations.
Sec. 335. Child and adult care food program audit funding.
Sec. 336. Reducing paperwork and improving program administration.
Sec. 337. Study relating to the child and adult care food program.
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 I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT
Sec. 401. Commodity support.
Sec. 402. Food safety audits and reports by States.
Sec. 403. Procurement training.
Sec. 404. Authorization of the summer food service program for children.
Sec. 405. Year-round services for eligible entities.
Sec. 406. Training, technical assistance, and food service management institute.
Sec. 407. Federal administrative support.
Sec. 408. Compliance and accountability.
Sec. 409. Information clearinghouse.
PART II—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. Use of unspent future funds from the American Recovery and Reinvestment Act of 2009.
Sec. 443. Equipment assistance technical correction.
Sec. 444. Budgetary effects.
Sec. 445. Effective date.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Agriculture.

TITLE I—A PATH TO END CHILDHOOD HUNGER

Subtitle A—National School Lunch Program

SEC. 101. IMPROVING DIRECT CERTIFICATION.

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

(1) in the paragraph heading, by striking ''FOOD STAMP'' and inserting ''SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM''; and

(2) by adding at the end the following:

''(E) PERFORMANCE AWARDS.—

''(i) IN GENERAL.—Effective for each of the school years beginning July 1, 2011, July 1, 2012, and July 1, 2013, the Secretary shall offer performance awards to States to encourage the States to ensure that all children eligible for direct certification under this paragraph are certified in accordance with this paragraph.

''(ii) REQUIREMENTS.—For each school year described in clause (i), the Secretary shall—

''(I) consider State data from the prior school year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a); and

''(II) make performance awards to not more than 15 States that demonstrate, as determined by the Secretary—

''(aa) outstanding performance; and

''(bb) substantial improvement.

''(iii) USE OF FUNDS.—A State agency that receives a performance award under clause (i)—

''(I) shall treat the funds as program income; and

''(II) may transfer the funds to school food authorities for use in carrying out the program.

''(iv) FUNDING.—

''(I) IN GENERAL.—On October 1, 2011, and each subsequent October 1 through October 1, 2013, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary—

''(aa) $2,000,000 to carry out clause (ii)(II)(aa); and

''(bb) $2,000,000 to carry out clause (ii)(II)(bb).

''(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this clause the funds transferred under subclause (I), without further appropriation.

''(v) PAYMENTS NOT SUBJECT TO JUDICIAL REVIEW.—A determination by the Secretary whether, and in what amount, to make a performance award under this subparagraph shall not be subject to administrative or judicial review.''.

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

''(F) CONTINUOUS IMPROVEMENT PLANS.—

''(i) DEFINITION OF REQUIRED PERCENTAGE.—In this subparagraph, the term 'required percentage' means—

''(I) for the school year beginning July 1, 2011, 80 percent;

''(II) for the school year beginning July 1, 2012, 90 percent; and

''(III) for the school year beginning July 1, 2013, and each school year thereafter, 95 percent.

''(ii) REQUIREMENTS.—Each school year, the Secretary shall—

''(I) identify, using data from the prior year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a), States that directly certify less than the required percentage of the total number of children in the State who are eligible for direct certification under this paragraph;

''(II) require the States identified under subclause (I) to implement a continuous improvement plan to fully meet the requirements of this paragraph, which shall include a plan to improve direct certification for the following school year; and

''(III) assist the States identified under subclause (I) to develop and implement a continuous improvement plan in accordance with subclause (II).

''(iii) FAILURE TO MEET PERFORMANCE STANDARD.—

''(I) IN GENERAL.—A State that is required to develop and implement a continuous improvement plan under clause (ii)(II) shall be required to submit the continuous improvement plan to the Secretary, for the approval of the Secretary.

''(II) REQUIREMENTS.—At a minimum, a continuous improvement plan under subclause (I) shall include—

''(aa) specific measures that the State will use to identify more children who are eligible for direct certification, including improvements or modifications to technology, information systems, or databases;

''(bb) a timeline for the State to implement those measures; and

''(cc) goals for the State to improve direct certification results.''.

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

''(G) WITHOUT FURTHER APPLICATION.—

''(i) IN GENERAL.—In this paragraph, the term 'without further application' means that no action is required by the household of the child.

''(ii) CLARIFICATION.—A requirement that a household return a letter notifying the household of eligibility for direct certification or eligibility for free school meals does not meet the requirements of clause (i).''.

SEC. 102. CATEGORICAL ELIGIBILITY OF FOSTER CHILDREN.

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

(1) in subparagraph (C), by striking ''or'' at the end;

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

(3) by adding at the end the following:

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

''(ii) a foster child who a court has placed with a caretaker household.''.

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

(1) in clause (iv), by adding ''(''' before the semicolon at the end;

(2) in clause (v), by striking ''or'' at the end;

(3) in clause (vi), by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(vii)(I) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

''(II) a foster child who a court has placed with a caretaker household.''.

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

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(F)(i) documentation has been provided to the appropriate local educational agency showing the status of the child as a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

''(ii) documentation has been provided to the appropriate local educational agency showing the status of the child as a foster child who a court has placed with a caretaker household.''.

SEC. 103. DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.

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

''(15) DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE CHILD.—The term 'eligible child' means a child—

''(I)(aa) who is eligible for and receiving medical assistance under the Medicaid program; and

''(bb) who is a member of a family with an income as measured by the Medicaid program before the application of any expense, block, or other income disregard, that does not exceed 133 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) applicable to a family of the size used for purposes of determining eligibility for the Medicaid program; or

''(II) who is a member of a household (as that term is defined in section 245.2 of title 7, Code of Federal Regulations (or successor regulations) with a child described in subclause (I).

''(ii) MEDICAID PROGRAM.—The term 'Medicaid program' means the program of medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(B) DEMONSTRATION PROJECT.—

''(i) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service and in cooperation with selected State agencies, shall conduct a demonstration project in selected local educational agencies to determine whether direct certification of eligible children is an effective method of certifying children for free lunches and breakfasts under section 9(b)(1)(A) of this Act and section 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)(A)).

''(ii) SCOPE OF PROJECT.—The Secretary shall carry out the demonstration project under this subparagraph—

''(I) for the school year beginning July 1, 2012, in selected local educational agencies that collectively serve 2.5 percent of students certified for free and reduced price meals nationwide, based on the most recent available data;

''(II) for the school year beginning July 1, 2013, in selected local educational agencies that collectively serve 5 percent of students certified for free and reduced price meals nationwide, based on the most recent available data; and

''(III) for the school year beginning July 1, 2014, and each subsequent school year, in selected local educational agencies that collectively serve 10 percent of students certified for free and reduced price meals nationwide, based on the most recent available data.

''(iii) PURPOSES OF THE PROJECT.—At a minimum, the purposes of the demonstration project shall be—

''(I) to determine the potential of direct certification with the Medicaid program to reach children who are eligible for free meals but not certified to receive the meals;

''(II) to determine the potential of direct certification with the Medicaid program to directly certify children who are enrolled for free meals based on a household application; and

''(III) to provide an estimate of the effect on Federal costs and on participation in the school lunch program under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) of direct certification with the Medicaid program.

''(iv) COST ESTIMATE.—For each of 2 school years of the demonstration project, the Secretary shall estimate the cost of the direct certification of eligible children for free school meals through data derived from—

''(I) the school meal programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(II) the Medicaid program; and

''(III) interviews with a statistically representative sample of households.

''(C) AGREEMENT.—

''(i) IN GENERAL.—Not later than July 1 of the first school year during which a State agency will participate in the demonstration project, the State agency shall enter into an agreement with the 1 or more State agencies conducting eligibility determinations for the Medicaid program.

''(ii) WITHOUT FURTHER APPLICATION.—Subject to paragraph (6), the agreement described in subparagraph (D) shall establish procedures under which an eligible child shall be certified for free lunches under this Act and free breakfasts under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), without further application (as defined in paragraph (4)(G)).

''(D) CERTIFICATION.—For the school year beginning on July 1, 2012, and each subsequent school year, subject to paragraph (6), the local educational agencies participating in the demonstration project shall certify an eligible child as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application (as defined in paragraph (4)(G)).

''(E) SITE SELECTION.—

''(i) IN GENERAL.—To be eligible to participate in the demonstration project under this subsection, a State agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(ii) CONSIDERATIONS.—In selecting States and local educational agencies for participation in the demonstration project, the Secretary may take into consideration such factors as the Secretary considers to be appropriate, which may include—

''(I) the rate of direct certification;

''(II) the share of individuals who are eligible for benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) who participate in the program, as determined by the Secretary;

''(III) the income eligibility limit for the Medicaid program;

''(IV) the feasibility of matching data between local educational agencies and the Medicaid program;

''(V) the socioeconomic profile of the State or local educational agencies; and

''(VI) the willingness of the State and local educational agencies to comply with the requirements of the demonstration project.

''(F) ACCESS TO DATA.—For purposes of conducting the demonstration project under this paragraph, the Secretary shall have access to—

''(i) educational and other records of State and local educational and other agencies and institutions receiving funding or providing benefits for 1 or more programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

''(ii) income and program participation information from public agencies administering the Medicaid program.

''(G) REPORT TO CONGRESS.—

''(i) IN GENERAL.—Not later than October 1, 2014, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, an interim report that describes the results of the demonstration project required under this paragraph.

''(ii) FINAL REPORT.—Not later than October 1, 2015, the Secretary shall submit a final report to the committees described in clause (i).

''(H) FUNDING.—

''(i) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out subparagraph (G) $5,000,000, to remain available until expended.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subparagraph (G) the funds transferred under clause (i), without further appropriation.''.

(b) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) (as amended by section 102(c)) is amended—

(1) in subparagraph (E), by striking ''or'' at the end;

(2) in subparagraph (F)(ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(G) documentation has been provided to the appropriate local educational agency showing the status of the child as an eligible child (as defined in subsection (b)(15)(A)).''.

(c) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION BY STATE MEDICAID AGENCIES.—

(1) IN GENERAL.—Section 1902(a)(7) of the Social Security Act (42 U.S.C. 1396a(a)(7)) is amended to read as follows:

''(7) provide—

''(A) safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with—

''(i) the administration of the plan; and

''(ii) the exchange of information necessary to certify or verify the certification of eligibility of children for free or reduced price breakfasts under the Child Nutrition Act of 1966 and free or reduced price lunches under the Richard B. Russell National School Lunch Act, in accordance with section 9(b) of that Act, using data standards and formats established by the State agency; and

''(B) that, notwithstanding the Express Lane option under subsection (e)(13), the State may enter into an agreement with the State agency administering the school lunch program established under the Richard B. Russell National School Lunch Act under which the State shall establish procedures to ensure that—

''(i) a child receiving medical assistance under the State plan under this title whose family income does not exceed 133 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act, including any revision required by such section), as determined without regard to any expense, block, or other income disregard, applicable to a family of the size involved, may be certified as eligible for free lunches under the Richard B. Russell National School Lunch Act and free breakfasts under the Child Nutrition Act of 1966 without further application; and

''(ii) the State agencies responsible for administering the State plan under this title, and for carrying out the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), cooperate in carrying out paragraphs (3)(F) and (15) of section 9(b) of that Act;''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall take effect on the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of the amendments made by this section solely on the basis of its failure to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(d) CONFORMING AMENDMENTS.—Section 444(b)(1) of the General Education Provisions Act (20 U.S.C. 1232g(b)(1)) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) in subparagraph (J)(ii), by striking the period at the end and inserting ''; and'';

(3) by adding at the end the following:

''(K) the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of State and local educational and other agencies and institutions receiving funding or providing benefits of 1 or more programs authorized under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that—

''(i) any data collected under this subparagraph shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and

''(ii) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.''.

SEC. 104. ELIMINATING INDIVIDUAL APPLICATIONS THROUGH COMMUNITY ELIGIBILITY.

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

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

''(F) UNIVERSAL MEAL SERVICE IN HIGH POVERTY AREAS.—

''(i) DEFINITION OF IDENTIFIED STUDENTS.—The term 'identified students' means students certified based on documentation of benefit receipt or categorical eligibility as described in section 245.6a(c)(2) of title 7, Code of Federal Regulations (or successor regulations).

''(ii) ELECTION OF SPECIAL ASSISTANCE PAYMENTS.—

''(I) IN GENERAL.—A local educational agency may, for all schools in the district or on behalf of certain schools in the district, elect to receive special assistance payments under this subparagraph in lieu of special assistance payments otherwise made available under this paragraph based on applications for free and reduced price lunches if—

''(aa) during a period of 4 successive school years, the local educational agency elects to serve all children in the applicable schools free lunches and breakfasts under the school lunch program under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

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

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

''(dd) during the school year prior to the first year of the period for which the local educational agency elects to receive special assistance payments under this subparagraph, the local educational agency or school had a percentage of enrolled students who were identified students that meets or exceeds the threshold described in clause (viii).

''(II) ELECTION TO STOP RECEIVING PAYMENTS.—A local educational agency may, for all schools in the district or on behalf of certain schools in the district, elect to stop receiving special assistance payments under this subparagraph for the following school year by notifying the State agency not later than June 30 of the current school year of the intention to stop receiving special assistance payments under this subparagraph.

''(iii) FIRST YEAR OF OPTION.—

''(I) SPECIAL ASSISTANCE PAYMENT.—For each month of the first school year of the 4-year period during which a school or local educational agency elects to receive payments under this subparagraph, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

''(aa) the multiplier described in clause (vii); by

''(bb) the percentage of identified students at the school or local educational agency as of April 1 of the prior school year, up to a maximum of 100 percent.

''(II) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

''(iv) SECOND, THIRD, OR FOURTH YEAR OF OPTION.—

''(I) SPECIAL ASSISTANCE PAYMENT.—For each month of the second, third, or fourth school year of the 4-year period during which a school or local educational agency elects to receive payments under this subparagraph, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

''(aa) the multiplier described in clause (vii); by

''(bb) the higher of the percentage of identified students at the school or local educational agency as of April 1 of the prior school year or the percentage of identified students at the school or local educational agency as of April 1 of the school year prior to the first year that the school or local educational agency elected to receive special assistance payments under this subparagraph, up to a maximum of 100 percent.

''(II) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

''(v) GRACE YEAR.—

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

''(II) SPECIAL ASSISTANCE PAYMENT.—For each month of a grace year, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

''(aa) the multiplier described in clause (vii); by

''(bb) the percentage of identified students at the school or local educational agency as of April 1 of the prior school year, up to a maximum of 100 percent.

''(III) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (II) shall be reimbursed at the rate provided under section 4.

''(vi) APPLICATIONS.—A school or local educational agency that receives special assistance payments under this subparagraph may not be required to collect applications for free and reduced price lunches.

''(vii) MULTIPLIER.—

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

''(II) FULL IMPLEMENTATION.—For each school year beginning on or after July 1, 2014, the Secretary may use, as determined by the Secretary—

''(aa) a multiplier between 1.3 and 1.6; and

''(bb) subject to item (aa), a different multiplier for different schools or local educational agencies.

''(viii) THRESHOLD.—

''(I) PHASE-IN.—For each school year beginning on or before July 1, 2013, the threshold shall be 40 percent.

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

''(ix) PHASE-IN.—

''(I) IN GENERAL.—In selecting States for participation during the phase-in period, the Secretary shall select States with an adequate number and variety of schools and local educational agencies that could benefit from the option under this subparagraph, as determined by the Secretary.

''(II) LIMITATION.—The Secretary may not approve additional schools and local educational agencies to receive special assistance payments under this subparagraph after the Secretary has approved schools and local educational agencies in—

''(aa) for the school year beginning on July 1, 2011, 3 States; and

''(bb) for each of the school years beginning July 1, 2012 and July 1, 2013, an additional 4 States per school year.

''(x) ELECTION OF OPTION.—

''(I) IN GENERAL.—For each school year beginning on or after July 1, 2014, any local educational agency eligible to make the election described in clause (ii) for all schools in the district or on behalf of certain schools in the district may elect to receive special assistance payments under clause (iii) for the next school year if, not later than June 30 of the current school year, the local educational agency submits to the State agency the percentage of identified students at the school or local educational agency.

''(II) STATE AGENCY NOTIFICATION.—Not later than May 1 of each school year beginning on or after July 1, 2011, each State agency with schools or local educational agencies that may be eligible to elect to receive special assistance payments under this subparagraph shall notify—

''(aa) each local educational agency that meets or exceeds the threshold described in clause (viii) that the local educational agency is eligible to elect to receive special assistance payments under clause (iii) for the next 4 school years, of the blended reimbursement rate the local educational agency would receive under clause (iii), and of the procedures for the local educational agency to make the election;

''(bb) each local educational agency that receives special assistance payments under clause (iii) of the blended reimbursement rate the local educational agency would receive under clause (iv);

''(cc) each local educational agency in the fourth year of electing to receive special assistance payments under this subparagraph that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii) and that receives special assistance payments under clause (iv), that the local educational agency may continue to receive such payments for the next school year, of the blended reimbursement rate the local educational agency would receive under clause (v), and of the procedures for the local educational agency to make the election; and

''(dd) each local educational agency that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii) that the local educational agency may be eligible to elect to receive special assistance payments under clause (iii) if the threshold described in clause (viii) is met by April 1 of the school year or if the threshold is met for a subsequent school year.

''(III) PUBLIC NOTIFICATION OF LOCAL EDUCATIONAL AGENCIES.—Not later than May 1 of each school year beginning on or after July 1, 2011, each State agency with 1 or more schools or local educational agencies eligible to elect to receive special assistance payments under clause (iii) shall submit to the Secretary, and the Secretary shall publish, lists of the local educational agencies receiving notices under subclause (II).

''(IV) PUBLIC NOTIFICATION OF SCHOOLS.—Not later than May 1 of each school year beginning on or after July 1, 2011, each local educational agency in a State with 1 or more schools eligible to elect to receive special assistance payments under clause (iii) shall submit to the State agency, and the State agency shall publish—

''(aa) a list of the schools that meet or exceed the threshold described in clause (viii);

''(bb) a list of the schools that meet or exceed a percentage that is 10 percentage points lower than the threshold described in clause (viii) and that are in the fourth year of receiving special assistance payments under clause (iv); and

''(cc) a list of the schools that meet or exceed a percentage that is 10 percentage points lower than the threshold described in clause (viii).

''(xi) IMPLEMENTATION.—

''(I) GUIDANCE.—Not later than 90 days after the date of enactment of this subparagraph, the Secretary shall issue guidance to implement this subparagraph.

''(II) REGULATIONS.—Not later than December 31, 2013, the Secretary shall promulgate regulations that establish procedures for State agencies, local educational agencies, and schools to meet the requirements of this subparagraph, including exercising the option described in this subparagraph.

''(III) PUBLICATION.—If the Secretary uses the authority provided in clause (vii)(II)(bb) to use a different multiplier for different schools or local educational agencies, for each school year beginning on or after July 1, 2014, not later than April 1, 2014, the Secretary shall publish on the website of the Secretary a table that indicates—

''(aa) each local educational agency that may elect to receive special assistance payments under clause (ii);

''(bb) the blended reimbursement rate that each local educational agency would receive; and

''(cc) an explanation of the methodology used to calculate the multiplier or threshold for each school or local educational agency.

''(xii) REPORT.—Not later than December 31, 2013, the Secretary shall publish a report that describes—

''(I) an estimate of the number of schools and local educational agencies eligible to elect to receive special assistance payments under this subparagraph that do not elect to receive the payments;

''(II) for schools and local educational agencies described in subclause (I)—

''(aa) barriers to participation in the special assistance option under this subparagraph, as described by the nonparticipating schools and local educational agencies; and

''(bb) changes to the special assistance option under this subparagraph that would make eligible schools and local educational agencies more likely to elect to receive special assistance payments;

''(III) for schools and local educational agencies that elect to receive special assistance payments under this subparagraph—

''(aa) the number of schools and local educational agencies;

''(bb) an estimate of the percentage of identified students and the percentage of enrolled students who were certified to receive free or reduced price meals in the school year prior to the election to receive special assistance payments under this subparagraph, and a description of how the ratio between those percentages compares to 1.6;

''(cc) an estimate of the number and share of schools and local educational agencies in which more than 80 percent of students are certified for free or reduced price meals that elect to receive special assistance payments under that clause; and

''(dd) whether any of the schools or local educational agencies stopped electing to receive special assistance payments under this subparagraph;

''(IV) the impact of electing to receive special assistance payments under this subparagraph on—

''(aa) program integrity;

''(bb) whether a breakfast program is offered;

''(cc) the type of breakfast program offered;

''(dd) the nutritional quality of school meals; and

''(ee) program participation; and

''(V) the multiplier and threshold, as described in clauses (vii) and (viii) respectively, that the Secretary will use for each school year beginning on or after July 1, 2014 and the rationale for any change in the multiplier or threshold.

''(xiii) FUNDING.—

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

''(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out clause (xii) the funds transferred under subclause (I), without further appropriation.''.

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

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

''(g) UNIVERSAL MEAL SERVICE THROUGH CENSUS DATA.—

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

''(A) the daily counting by category of meals provided by school lunch programs under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

''(B) the use of annual applications as the basis for eligibility to receive free meals or reduced price meals under this Act.

''(2) RECOMMENDATIONS.—

''(A) CONSIDERATIONS.—

''(i) IN GENERAL.—In identifying alternatives under paragraph (1), the Secretary shall consider the recommendations of the Committee on National Statistics of the National Academy of Sciences relating to use of the American Community Survey of the Bureau of the Census and other data sources.

''(ii) SOCIOECONOMIC SURVEY.—The Secretary shall consider use of a periodic socioeconomic survey of households of children attending school in the school food authority in not more than 3 school food authorities participating in the school lunch program under this Act.

''(iii) SURVEY PARAMETERS.—The Secretary shall establish requirements for the use of a socioeconomic survey under clause (ii), which shall—

''(I) include criteria for survey design, sample frame validity, minimum level of statistical precision, minimum survey response rates, frequency of data collection, and other criteria as determined by the Secretary;

''(II) be consistent with the Standards and Guidelines for Statistical Surveys, as published by the Office of Management and Budget;

''(III) be consistent with standards and requirements that ensure proper use of Federal funds; and

''(IV) specify that the socioeconomic survey be conducted at least once every 4 years.

''(B) USE OF ALTERNATIVES.—Alternatives described in subparagraph (A) that provide accurate and effective means of providing meal reimbursement consistent with the eligibility status of students may be—

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

''(I) to serve all breakfasts and lunches to students at no cost in accordance with regulations issued by the Secretary; and

''(II) to pay, from sources other than Federal funds, the costs of serving any lunches and breakfasts that are in excess of the value of assistance received under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches and breakfasts served during the applicable period; or

''(ii) further tested through demonstration projects carried out by the Secretary in accordance with subparagraph (C).

''(C) DEMONSTRATION PROJECTS.—

''(i) IN GENERAL.—For the purpose of carrying out demonstration projects described in subparagraph (B), the Secretary may waive any requirement of this Act relating to—

''(I) counting of meals provided by school lunch or breakfast programs;

''(II) applications for eligibility for free or reduced priced meals; or

''(III) required direct certification under section 9(b)(4).

''(ii) NUMBER OF PROJECTS.—The Secretary shall carry out demonstration projects under this paragraph in not more than 5 local educational agencies for each alternative model that is being tested.

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

''(iv) EVALUATION.—The Secretary shall evaluate each demonstration project carried out under this paragraph in accordance with procedures established by the Secretary.

''(v) REQUIREMENT.—In carrying out evaluations under clause (iv), the Secretary shall evaluate, using comparisons with local educational agencies with similar demographic characteristics—

''(I) the accuracy of the 1 or more methodologies adopted as compared to the daily counting by category of meals provided by school meal programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the use of annual applications as the basis for eligibility to receive free or reduced price meals under those Acts;

''(II) the effect of the 1 or more methodologies adopted on participation in programs under those Acts;

''(III) the effect of the 1 or more methodologies adopted on administration of programs under those Acts; and

''(IV) such other matters as the Secretary determines to be appropriate.''.

SEC. 105. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST PROGRAMS.

The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) is amended by adding at the end the following:

''SEC. 23. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST PROGRAMS.

''(a) DEFINITION OF QUALIFYING SCHOOL.—In this section, the term 'qualifying school' means a school in severe need, as described in section 4(d)(1).

''(b) ESTABLISHMENT.—Subject to the availability of appropriations provided in advance in an appropriations Act specifically for the purpose of carrying out this section, the Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to State educational agencies for the purpose of providing subgrants to local educational agencies for qualifying schools to establish, maintain, or expand the school breakfast program in accordance with this section.

''(c) GRANTS TO STATE EDUCATIONAL AGENCIES.—

''(1) APPLICATION.—To be eligible to receive a grant under this section, a State educational agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) ADMINISTRATION.—In carrying out this section, the Secretary shall—

''(A) develop an appropriate competitive application process; and

''(B) make information available to State educational agencies concerning the availability of funds under this section.

''(3) ALLOCATION.—The amount of grants provided by the Secretary to State educational agencies for a fiscal year under this section shall not exceed the lesser of—

''(A) the product obtained by multiplying—

''(i) the number of qualifying schools receiving subgrants or other benefits under subsection (d) for the fiscal year; and

''(ii) the maximum amount of a subgrant provided to a qualifying school under subsection (d)(4)(B); or

''(B) $2,000,000.

''(d) SUBGRANTS TO QUALIFYING SCHOOLS.—

''(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use funds made available under the grant to award subgrants to local educational agencies for a qualifying school or groups of qualifying schools to carry out activities in accordance with this section.

''(2) PRIORITY.—In awarding subgrants under this subsection, a State educational agency shall give priority to local educational agencies with qualifying schools in which at least 75 percent of the students are eligible for free or reduced price school lunches under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(3) STATE AND DISTRICT TRAINING AND TECHNICAL SUPPORT.—A local educational agency or State educational agency may allocate a portion of each subgrant to provide training and technical assistance to the staff of qualifying schools to carry out the purposes of this section.

''(4) AMOUNT; TERM.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a subgrant provided by a State educational agency to a local educational agency or qualifying school under this section shall be in such amount, and shall be provided for such term, as the State educational agency determines appropriate.

''(B) MAXIMUM AMOUNT.—The amount of a subgrant provided by a State educational agency to a local educational agency for a qualifying school or a group of qualifying schools under this subsection shall not exceed $10,000 for each school year.

''(C) MAXIMUM GRANT TERM.—A local educational agency or State educational agency shall not provide subgrants to a qualifying school under this subsection for more than 2 fiscal years.

''(e) BEST PRACTICES.—

''(1) IN GENERAL.—Prior to awarding grants under this section, the Secretary shall make available to State educational agencies information regarding the most effective mechanisms by which to increase school breakfast participation among eligible children at qualifying schools.

''(2) PREFERENCE.—In awarding subgrants under this section, a State educational agency shall give preference to local educational agencies for qualifying schools or groups of qualifying schools that have adopted, or provide assurances that the subgrant funds will be used to adopt, the most effective mechanisms identified by the Secretary under paragraph (1).

''(f) USE OF FUNDS.—

''(1) IN GENERAL.—A qualifying school may use a grant provided under this section—

''(A) to establish, promote, or expand a school breakfast program of the qualifying school under this section, which shall include a nutritional education component;

''(B) to extend the period during which school breakfast is available at the qualifying school;

''(C) to provide school breakfast to students of the qualifying school during the school day; or

''(D) for other appropriate purposes, as determined by the Secretary.

''(2) REQUIREMENT.—Each activity of a qualifying school under this subsection shall be carried out in accordance with applicable nutritional guidelines and regulations issued by the Secretary.

''(g) MAINTENANCE OF EFFORT.—Grants made available under this section shall not diminish or otherwise affect the expenditure of funds from State and local sources for the maintenance of the school breakfast program.

''(h) REPORTS.—Not later than 18 months following the end of a school year during which subgrants are awarded under this section, the Secretary shall submit to Congress a report describing the activities of the qualifying schools awarded subgrants.

''(i) EVALUATION.—Not later than 180 days before the end of a grant term under this section, a local educational agency that receives a subgrant under this section shall—

''(1) evaluate whether electing to provide universal free breakfasts under the school breakfast program in accordance with Provision 2 as established under subsections (b) through (k) of section 245.9 of title 7, Code of Federal Regulations (or successor regulations), would be cost-effective for the qualified schools based on estimated administrative savings and economies of scale; and

''(2) submit the results of the evaluation to the State educational agency.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2010 through 2015.''.

Subtitle B—Summer Food Service Program

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

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

''(7) PRIVATE NONPROFIT ORGANIZATIONS.—

''(A) DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.—In this paragraph, the term 'private nonprofit organization' means an organization that—

''(i) exercises full control and authority over the operation of the program at all sites under the sponsorship of the organization;

''(ii) provides ongoing year-round activities for children or families;

''(iii) demonstrates that the organization has adequate management and the fiscal capacity to operate a program under this section;

''(iv) is an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code; and

''(v) meets applicable State and local health, safety, and sanitation standards.

''(B) ELIGIBILITY.—Private nonprofit organizations (other than organizations eligible under paragraph (1)) shall be eligible for the program under the same terms and conditions as other service institutions.''.

SEC. 112. OUTREACH TO ELIGIBLE FAMILIES.

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

''(11) OUTREACH TO ELIGIBLE FAMILIES.—

''(A) IN GENERAL.—The Secretary shall require each State agency that administers the national school lunch program under this Act to ensure that, to the maximum extent practicable, school food authorities participating in the school lunch program under this Act cooperate with participating service institutions to distribute materials to inform families of—

''(i) the availability and location of summer food service program meals; and

''(ii) the availability of reimbursable breakfasts served under the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

''(B) INCLUSIONS.—Informational activities carried out under subparagraph (A) may include—

''(i) the development or dissemination of printed materials, to be distributed to all school children or the families of school children prior to the end of the school year, that inform families of the availability and location of summer food service program meals;

''(ii) the development or dissemination of materials, to be distributed using electronic means to all school children or the families of school children prior to the end of the school year, that inform families of the availability and location of summer food service program meals; and

''(iii) such other activities as are approved by the applicable State agency to promote the availability and location of summer food service program meals to school children and the families of school children.

''(C) MULTIPLE STATE AGENCIES.—If the State agency administering the program under this section is not the same State agency that administers the school lunch program under this Act, the 2 State agencies shall work cooperatively to implement this paragraph.''.

SEC. 113. SUMMER FOOD SERVICE SUPPORT GRANTS.

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

''(12) SUMMER FOOD SERVICE SUPPORT GRANTS.—

''(A) IN GENERAL.—The Secretary shall use funds made available to carry out this paragraph to award grants on a competitive basis to State agencies to provide to eligible service institutions—

''(i) technical assistance;

''(ii) assistance with site improvement costs; or

''(iii) other innovative activities that improve and encourage sponsor retention.

''(B) ELIGIBILITY.—To be eligible to receive a grant under this paragraph, a State agency shall submit an application to the Secretary in such manner, at such time, and containing such information as the Secretary may require.

''(C) PRIORITY.—In making grants under this paragraph, the Secretary shall give priority to—

''(i) applications from States with significant low-income child populations; and

''(ii) State plans that demonstrate innovative approaches to retain and support summer food service programs after the expiration of the start-up funding grants.

''(D) USE OF FUNDS.—A State and eligible service institution may use funds made available under this paragraph to pay for such costs as the Secretary determines are necessary to establish and maintain summer food service programs.

''(E) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this paragraph that are not obligated or expended, as determined by the Secretary.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $20,000,000 for fiscal years 2011 through 2015.''.

Subtitle C—Child and Adult Care Food Program

SEC. 121. SIMPLIFYING AREA ELIGIBILITY DETERMINATIONS IN THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17(f)(3)(A)(ii)(I)(bb) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(ii)(I)(bb)) is amended by striking ''elementary''.

SEC. 122. EXPANSION OF AFTERSCHOOL MEALS FOR AT-RISK CHILDREN.

Section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)) is amended by striking paragraph (5) and inserting the following:

''(5) LIMITATION.—An institution participating in the program under this subsection may not claim reimbursement for meals and snacks that are served under section 18(h) on the same day.

''(6) HANDBOOK.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary shall—

''(i) issue guidelines for afterschool meals for at-risk school children; and

''(ii) publish a handbook reflecting those guidelines.

''(B) REVIEW.—Each year after the issuance of guidelines under subparagraph (A), the Secretary shall—

''(i) review the guidelines; and

''(ii) issue a revised handbook reflecting changes made to the guidelines.''.

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

SEC. 131. CERTIFICATION PERIODS.

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

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

Subtitle E—Miscellaneous

SEC. 141. CHILDHOOD HUNGER RESEARCH.

The Richard B. Russell National School Lunch Act is amended by inserting after section 22 (42 U.S.C. 1769c) the following:

''SEC. 23. CHILDHOOD HUNGER RESEARCH.

''(a) RESEARCH ON CAUSES AND CONSEQUENCES OF CHILDHOOD HUNGER.—

''(1) IN GENERAL.—The Secretary shall conduct research on—

''(A) the causes of childhood hunger and food insecurity;

''(B) the characteristics of households with childhood hunger and food insecurity; and

''(C) the consequences of childhood hunger and food insecurity.

''(2) AUTHORITY.—In carrying out research under paragraph (1), the Secretary may—

''(A) enter into competitively awarded contracts or cooperative agreements; or

''(B) provide grants to States or public or private agencies or organizations, as determined by the Secretary.

''(3) APPLICATION.—To be eligible to enter into a contract or cooperative agreement or receive a grant under this subsection, a State or public or private agency or organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require.

''(4) AREAS OF INQUIRY.—The Secretary shall design the research program to advance knowledge and understanding of information on the issues described in paragraph (1), such as—

''(A) economic, health, social, cultural, demographic, and other factors that contribute to childhood hunger or food insecurity;

''(B) the geographic distribution of childhood hunger and food insecurity;

''(C) the extent to which—

''(i) existing Federal assistance programs, including the Internal Revenue Code of 1986, reduce childhood hunger and food insecurity; and

''(ii) childhood hunger and food insecurity persist due to—

''(I) gaps in program coverage;

''(II) the inability of potential participants to access programs; or

''(III) the insufficiency of program benefits or services;

''(D) the public health and medical costs of childhood hunger and food insecurity;

''(E) an estimate of the degree to which the Census Bureau measure of food insecurity underestimates childhood hunger and food insecurity because the Census Bureau excludes certain households, such as homeless, or other factors;

''(F) the effects of childhood hunger on child development, well-being, and educational attainment; and

''(G) such other critical outcomes as are determined by the Secretary.

''(5) FUNDING.—

''(A) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $10,000,000, to remain available until expended.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

''(b) DEMONSTRATION PROJECTS TO END CHILDHOOD HUNGER.—

''(1) DEFINITIONS.—In this subsection:

''(A) CHILD.—The term 'child' means a person under the age of 18.

''(B) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term 'supplemental nutrition assistance program' means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

''(2) PURPOSE.—Under such terms and conditions as are established by the Secretary, the Secretary shall carry out demonstration projects that test innovative strategies to end childhood hunger, including alternative models for service delivery and benefit levels that promote the reduction or elimination of childhood hunger and food insecurity.

''(3) PROJECTS.—Demonstration projects carried out under this subsection may include projects that—

''(A) enhance benefits provided under the supplemental nutrition assistance program for eligible households with children;

''(B) enhance benefits or provide for innovative program delivery models in the school meals, afterschool snack, and child and adult care food programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

''(C) target Federal, State, or local assistance, including emergency housing or family preservation services, at households with children who are experiencing hunger or food insecurity, to the extent permitted by the legal authority establishing those assistance programs and services.

''(4) GRANTS.—

''(A) DEMONSTRATION PROJECTS.—

''(i) IN GENERAL.—In carrying out this subsection, the Secretary may enter into competitively awarded contracts or cooperative agreements with, or provide grants to, public or private organizations or agencies (as determined by the Secretary), for use in accordance with demonstration projects that meet the purposes of this subsection.

''(ii) REQUIREMENT.—At least 1 demonstration project funded under this subsection shall be carried out on an Indian reservation in a rural area with a service population with a prevalence of diabetes that exceeds 15 percent, as determined by the Director of the Indian Health Service.

''(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or grant under this subsection, an organization or agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(C) SELECTION CRITERIA.—Demonstration projects shall be selected based on publicly disseminated criteria that may include—

''(i) an identification of a low-income target group that reflects individuals experiencing hunger or food insecurity;

''(ii) a commitment to a demonstration project that allows for a rigorous outcome evaluation as described in paragraph (6);

''(iii) a focus on innovative strategies to reduce the risk of childhood hunger or provide a significant improvement to the food security status of households with children; and

''(iv) such other criteria as are determined by the Secretary.

''(5) CONSULTATION.—In determining the range of projects and defining selection criteria under this subsection, the Secretary shall consult with—

''(A) the Secretary of Health and Human Services;

''(B) the Secretary of Labor; and

''(C) the Secretary of Housing and Urban Development.

''(6) EVALUATION AND REPORTING.—

''(A) INDEPENDENT EVALUATION.—The Secretary shall provide for an independent evaluation of each demonstration project carried out under this subsection that—

''(i) measures the impact of each demonstration project on appropriate participation, food security, nutrition, and associated behavioral outcomes among participating households; and

''(ii) uses rigorous experimental designs and methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective in reducing the prevalence or preventing the incidence of food insecurity and hunger in the community, especially among children.

''(B) REPORTING.—Not later than December 31, 2013 and each December 31 thereafter until the date on which the last evaluation under subparagraph (A) is completed, the Secretary shall—

''(i) submit to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

''(I) the status of each demonstration project; and

''(II) the results of any evaluations of the demonstration projects completed during the previous fiscal year; and

''(ii) ensure that the evaluation results are shared broadly to inform policy makers, service providers, other partners, and the public in order to promote the wide use of successful strategies.

''(7) FUNDING.—

''(A) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $40,000,000, to remain available until September 30, 2017.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

''(C) USE OF FUNDS.—

''(i) IN GENERAL.—Funds made available under subparagraph (A) may be used to carry out this subsection, including to pay Federal costs associated with developing, soliciting, awarding, monitoring, evaluating, and disseminating the results of each demonstration project under this subsection.

''(ii) INDIAN RESERVATIONS.—Of amounts made available under subparagraph (A), the Secretary shall use a portion of the amounts to carry out research relating to hunger, obesity and type 2 diabetes on Indian reservations, including research to determine the manner in which Federal nutrition programs can help to overcome those problems.

''(iii) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

''(I) describes the manner in which Federal nutrition programs can help to overcome child hunger nutrition problems on Indian reservations; and

''(II) contains proposed administrative and legislative recommendations to strengthen and streamline all relevant Department of Agriculture nutrition programs to reduce childhood hunger, obesity, and type 2 diabetes on Indian reservations.

''(D) LIMITATIONS.—

''(i) DURATION.—No project may be funded under this subsection for more than 5 years.

''(ii) PROJECT REQUIREMENTS.—No project that makes use of, alters, or coordinates with the supplemental nutrition assistance program may be funded under this subsection unless the project is fully consistent with the project requirements described in section 17(b)(1)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)).

''(iii) HUNGER-FREE COMMUNITIES.—No project may be funded under this subsection that receives funding under section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517).

''(iv) OTHER BENEFITS.—Funds made available under this subsection may not be used for any project in a manner that is inconsistent with—

''(I) this Act;

''(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(III) the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

''(IV) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).''.

SEC. 142. STATE CHILDHOOD HUNGER CHALLENGE GRANTS.

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

''SEC. 24. STATE CHILDHOOD HUNGER CHALLENGE GRANTS.

''(a) DEFINITIONS.—In this section:

''(1) CHILD.—The term 'child' means a person under the age of 18.

''(2) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term 'supplemental nutrition assistance program' means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

''(b) PURPOSE.—Under such terms and conditions as are established by the Secretary, funds made available under this section may be used to competitively award grants to or enter into cooperative agreements with Governors to carry out comprehensive and innovative strategies to end childhood hunger, including alternative models for service delivery and benefit levels that promote the reduction or elimination of childhood hunger by 2015.

''(c) PROJECTS.—State demonstration projects carried out under this section may include projects that—

''(1) enhance benefits provided under the supplemental nutrition assistance program for eligible households with children;

''(2) enhance benefits or provide for innovative program delivery models in the school meals, afterschool snack, and child and adult care food programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(3) target Federal, State, or local assistance, including emergency housing, family preservation services, child care, or temporary assistance at households with children who are experiencing hunger or food insecurity, to the extent permitted by the legal authority establishing those assistance programs and services;

''(4) enhance outreach to increase access and participation in Federal nutrition assistance programs; and

''(5) improve the coordination of Federal, State, and community resources and services aimed at preventing food insecurity and hunger, including through the establishment and expansion of State food policy councils.

''(d) GRANTS.—

''(1) IN GENERAL.—In carrying out this section, the Secretary may competitively award grants or enter into competitively awarded cooperative agreements with Governors for use in accordance with demonstration projects that meet the purposes of this section.

''(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under this section, a Governor shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) SELECTION CRITERIA.—The Secretary shall evaluate proposals based on publicly disseminated criteria that may include—

''(A) an identification of a low-income target group that reflects individuals experiencing hunger or food insecurity;

''(B) a commitment to approaches that allow for a rigorous outcome evaluation as described in subsection (f);

''(C) a comprehensive and innovative strategy to reduce the risk of childhood hunger or provide a significant improvement to the food security status of households with children; and

''(D) such other criteria as are determined by the Secretary.

''(4) REQUIREMENTS.—Any project funded under this section shall provide for—

''(A) a baseline assessment, and subsequent annual assessments, of the prevalence and severity of very low food security among children in the State, based on a methodology prescribed by the Secretary;

''(B) a collaborative planning process including key stakeholders in the State that results in a comprehensive agenda to eliminate childhood hunger that is—

''(i) described in a detailed project plan; and

''(ii) provided to the Secretary for approval;

''(C) an annual budget;

''(D) specific performance goals, including the goal to sharply reduce or eliminate food insecurity among children in the State by 2015, as determined through a methodology prescribed by the Secretary and carried out by the Governor; and

''(E) an independent outcome evaluation of not less than 1 major strategy of the project that measures—

''(i) the specific impact of the strategy on food insecurity among children in the State; and

''(ii) if applicable, the nutrition assistance participation rate among children in the State.

''(e) CONSULTATION.—In determining the range of projects and defining selection criteria under this section, the Secretary shall consult with—

''(1) the Secretary of Health and Human Services;

''(2) the Secretary of Labor;

''(3) the Secretary of Education; and

''(4) the Secretary of Housing and Urban Development.

''(f) EVALUATION AND REPORTING.—

''(1) GENERAL PERFORMANCE ASSESSMENT.—Each project authorized under this section shall require an independent assessment that—

''(A) measures the impact of any activities carried out under the project on the level of food insecurity in the State that—

''(i) focuses particularly on the level of food insecurity among children in the State; and

''(ii) includes a preimplementation baseline and annual measurements taken during the project of the level of food insecurity in the State; and

''(B) is carried out using a methodology prescribed by the Secretary.

''(2) INDEPENDENT EVALUATION.—Each project authorized under this section shall provide for an independent evaluation of not less than 1 major strategy that—

''(A) measures the impact of the strategy on appropriate participation, food security, nutrition, and associated behavioral outcomes among participating households; and

''(B) uses rigorous experimental designs and methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective in reducing the prevalence or preventing the incidence of food insecurity and hunger in the community, especially among children.

''(3) REPORTING.—Not later than December 31, 2011 and each December 31 thereafter until the date on which the last evaluation under paragraph (1) is completed, the Secretary shall—

''(A) submit to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

''(i) the status of each State demonstration project; and

''(ii) the results of any evaluations of the demonstration projects completed during the previous fiscal year; and

''(B) ensure that the evaluation results are shared broadly to inform policy makers, service providers, other partners, and the public in order to promote the wide use of successful strategies.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2011 through 2014, to remain available until expended.

''(2) USE OF FUNDS.—Funds made available under paragraph (1) may be used to carry out this section, including to pay Federal costs associated with developing, soliciting, awarding, monitoring, evaluating, and disseminating the results of each demonstration project under this section.

''(3) LIMITATIONS.—

''(A) DURATION.—No project may be funded under this section for more than 5 years.

''(B) PERFORMANCE BASIS.—Funds provided under this section shall be made available to each Governor on an annual basis, with the amount of funds provided for each year contingent on the satisfactory implementation of the project plan and progress towards the performance goals defined in the project year plan.

''(C) ALTERING NUTRITION ASSISTANCE PROGRAM REQUIREMENTS.—No project that makes use of, alters, or coordinates with the supplemental nutrition assistance program may be funded under this section unless the project is fully consistent with the project requirements described in section 17(b)(1)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)).

''(D) OTHER BENEFITS.—Funds made available under this section may not be used for any project in a manner that is inconsistent with—

''(i) this Act;

''(ii) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(iii) the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

''(iv) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).''.

SEC. 143. REVIEW OF LOCAL POLICIES ON MEAL CHARGES AND PROVISION OF ALTERNATE MEALS.

(a) IN GENERAL.—

(1) REVIEW.—The Secretary, in conjunction with States and participating local educational agencies, shall examine the current policies and practices of States and local educational agencies regarding extending credit to children to pay the cost to the children of reimbursable school lunches and breakfasts.

(2) SCOPE.—The examination under paragraph (1) shall include the policies and practices in effect as of the date of enactment of this Act relating to providing to children who are without funds a meal other than the reimbursable meals.

(3) FEASIBILITY.—In carrying out the examination under paragraph (1), the Secretary shall—

(A) prepare a report on the feasibility of establishing national standards for meal charges and the provision of alternate meals; and

(B) provide recommendations for implementing those standards.

(b) FOLLOWUP ACTIONS.—

(1) IN GENERAL.—Based on the findings and recommendations under subsection (a), the Secretary may—

(A) implement standards described in paragraph (3) of that subsection through regulation;

(B) test recommendations through demonstration projects; or

(C) study further the feasibility of recommendations.

(2) FACTORS FOR CONSIDERATION.—In determining how best to implement recommendations described in subsection (a)(3), the Secretary shall consider such factors as—

(A) the impact of overt identification on children;

(B) the manner in which the affected households will be provided with assistance in establishing eligibility for free or reduced price school meals; and

(C) the potential financial impact on local educational agencies.

TITLE II—REDUCING CHILDHOOD OBESITY AND IMPROVING THE DIETS OF CHILDREN

Subtitle A—National School Lunch Program

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

Section 4(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753(b)) is amended by adding at the end the following:

''(3) ADDITIONAL REIMBURSEMENT.—

''(A) REGULATIONS.—

''(i) PROPOSED REGULATIONS.—Notwithstanding section 9(f), not later than 18 months after the date of enactment of this paragraph, the Secretary shall promulgate proposed regulations to update the meal patterns and nutrition standards for the school lunch program authorized under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) based on recommendations made by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences.

''(ii) INTERIM OR FINAL REGULATIONS.—

''(I) IN GENERAL.—Not later than 18 months after promulgation of the proposed regulations under clause (i), the Secretary shall promulgate interim or final regulations.

''(II) DATE OF REQUIRED COMPLIANCE.—The Secretary shall establish in the interim or final regulations a date by which all school food authorities participating in the school lunch program authorized under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) are required to comply with the meal pattern and nutrition standards established in the interim or final regulations.

''(iii) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this paragraph, and each 90 days thereafter until the Secretary has promulgated interim or final regulations under clause (ii), the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a quarterly report on progress made toward promulgation of the regulations described in this subparagraph.

''(B) PERFORMANCE-BASED REIMBURSEMENT RATE INCREASE.—Beginning on the later of the date of promulgation of the implementing regulations described in subparagraph (A)(ii), the date of enactment of this paragraph, or October 1, 2012, the Secretary shall provide additional reimbursement for each lunch served in school food authorities determined to be eligible under subparagraph (D).

''(C) ADDITIONAL REIMBURSEMENT.—

''(i) IN GENERAL.—Each lunch served in school food authorities determined to be eligible under subparagraph (D) shall receive an additional 6 cents, adjusted in accordance with section 11(a)(3), to the national lunch average payment for each lunch served.

''(ii) DISBURSEMENT.—The State agency shall disburse funds made available under this paragraph to school food authorities eligible to receive additional reimbursement.

''(D) ELIGIBLE SCHOOL FOOD AUTHORITY.—To be eligible to receive an additional reimbursement described in this paragraph, a

school food authority shall be certified by the State to be in compliance with the interim or final regulations described in subparagraph (A)(ii).

''(E) FAILURE TO COMPLY.—Beginning on the later of the date described in subparagraph (A)(ii)(II), the date of enactment of this paragraph, or October 1, 2012, school food authorities found to be out of compliance with the meal patterns or nutrition standards established by the implementing regulations shall not receive the additional reimbursement for each lunch served described in this paragraph.

''(F) ADMINISTRATIVE COSTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall make funds available to States for State activities related to training, technical assistance, certification, and oversight activities of this paragraph.

''(ii) PROVISION OF FUNDS.—The Secretary shall provide funds described in clause (i) to States administering a school lunch program in a manner proportional to the administrative expense allocation of each State during the preceding fiscal year.

''(iii) FUNDING.—

''(I) IN GENERAL.—In the later of the fiscal year in which the implementing regulations described in subparagraph (A)(ii) are promulgated or the fiscal year in which this paragraph is enacted, and in the subsequent fiscal year, the Secretary shall use not more than $50,000,000 of funds made available under section 3 to make payments to States described in clause (i).

''(II) RESERVATION.—In providing funds to States under clause (i), the Secretary may reserve not more than $3,000,000 per fiscal year to support Federal administrative activities to carry out this paragraph.''.

SEC. 202. NUTRITION REQUIREMENTS FOR FLUID MILK.

Section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(2)(A)) is amended by striking clause (i) and inserting the following:

''(i) shall offer students a variety of fluid milk. Such milk shall be consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);''.

SEC. 203. WATER.

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

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

SEC. 204. LOCAL SCHOOL WELLNESS POLICY IMPLEMENTATION.

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

''SEC. 9A. LOCAL SCHOOL WELLNESS POLICY.

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

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

''(1) goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness;

''(2) for all foods available on each school campus under the jurisdiction of the local educational agency during the school day, nutrition guidelines that—

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

''(B) promote student health and reduce childhood obesity;

''(3) a requirement that the local educational agency permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy;

''(4) a requirement that the local educational agency inform and update the public (including parents, students, and others in the community) about the content and implementation of the local school wellness policy; and

''(5) a requirement that the local educational agency—

''(A) periodically measure and make available to the public an assessment on the implementation of the local school wellness policy, including—

''(i) the extent to which schools under the jurisdiction of the local educational agency are in compliance with the local school wellness policy;

''(ii) the extent to which the local school wellness policy of the local educational agency compares to model local school wellness policies; and

''(iii) a description of the progress made in attaining the goals of the local school wellness policy; and

''(B) designate 1 or more local educational agency officials or school officials, as appropriate, to ensure that each school complies with the local school wellness policy.

''(c) LOCAL DISCRETION.—The local educational agency shall use the guidelines promulgated by the Secretary under subsection (b) to determine specific policies appropriate for the schools under the jurisdiction of the local educational agency.

''(d) TECHNICAL ASSISTANCE AND BEST PRACTICES.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall provide information and technical assistance to local educational agencies, school food authorities, and State educational agencies for use in establishing healthy school environments that are intended to promote student health and wellness.

''(2) CONTENT.—The Secretary shall provide technical assistance that—

''(A) includes resources and training on designing, implementing, promoting, disseminating, and evaluating local school wellness policies and overcoming barriers to the adoption of local school wellness policies;

''(B) includes model local school wellness policies and best practices recommended by Federal agencies, State agencies, and nongovernmental organizations;

''(C) includes such other technical assistance as is required to promote sound nutrition and establish healthy school nutrition environments; and

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

''(3) STUDY AND REPORT.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary, in conjunction with the Director of the Centers for Disease Control and Prevention, shall prepare a report on the implementation, strength, and effectiveness of the local school wellness policies carried out in accordance with this section.

''(B) STUDY OF LOCAL SCHOOL WELLNESS POLICIES.—The study described in subparagraph (A) shall include——

''(i) an analysis of the strength and weaknesses of local school wellness policies and how the policies compare with model local wellness policies recommended under paragraph (2)(B); and

''(ii) an assessment of the impact of the local school wellness policies in addressing the requirements of subsection (b).

''(C) REPORT.—Not later than January 1, 2014, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the findings of the study.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $3,000,000 for fiscal year 2011, to remain available until expended.''.

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

SEC. 205. EQUITY IN SCHOOL LUNCH PRICING.

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

''(p) PRICE FOR A PAID LUNCH.—

''(1) DEFINITION OF PAID LUNCH.—In this subsection, the term 'paid lunch' means a reimbursable lunch served to students who are not certified to receive free or reduced price meals.

''(2) REQUIREMENT.—

''(A) IN GENERAL.—For each school year beginning July 1, 2011, each school food authority shall establish a price for paid lunches in accordance with this subsection.

''(B) LOWER PRICE.—

''(i) IN GENERAL.—In the case of a school food authority that established a price for a paid lunch in the previous school year that was less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the price charged in the previous school year, as adjusted by a percentage equal to the sum obtained by adding—

''(I) 2 percent; and

''(II) the percentage change in the Consumer Price Index for All Urban Consumers (food away from home index) used to increase the Federal reimbursement rate under section 11 for the most recent school year for which data are available, as published in the Federal Register.

''(ii) ROUNDING.—A school food authority may round the adjusted price for a paid lunch under clause (i) down to the nearest 5 cents.

''(iii) MAXIMUM REQUIRED PRICE INCREASE.—

''(I) IN GENERAL.—The maximum annual average price increase required to meet the requirements of this subparagraph shall not exceed 10 cents for any school food authority.

''(II) DISCRETIONARY INCREASE.—A school food authority may increase the average price for a paid lunch for a school year by more than 10 cents.

''(C) EQUAL OR GREATER PRICE.—

''(i) IN GENERAL.—In the case of a school food authority that established an average price for a paid lunch in the previous school year that was equal to or greater than the

difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch.

''(ii) ROUNDING.—A school food authority may round the adjusted price for a paid lunch under clause (i) down to the nearest 5 cents.

''(3) EXCEPTIONS.—

''(A) REDUCTION IN PRICE.—A school food authority may reduce the average price of a paid lunch established under this subsection if the State agency ensures that funding from non-Federal sources (other than in-kind contributions) is added to the nonprofit school food service account of the school food authority in an amount estimated to be equal to at least the difference between—

''(i) the average price required of the school food authority for the paid lunches under paragraph (2); and

''(ii) the average price charged by the school food authority for the paid lunches.

''(B) NON-FEDERAL SOURCES.—For the purposes of subparagraph (A), non-Federal sources does not include revenue from the sale of foods sold in competition with meals served under the school lunch program authorized under this Act or the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

''(C) OTHER PROGRAMS.—This subsection shall not apply to lunches provided under section 17 of this Act.

''(4) REGULATIONS.—The Secretary shall establish procedures to carry out this subsection, including collecting and publishing the prices that school food authorities charge for paid meals on an annual basis and procedures that allow school food authorities to average the pricing of paid lunches at schools throughout the jurisdiction of the school food authority.''.

SEC. 206. REVENUE FROM NONPROGRAM FOODS SOLD IN SCHOOLS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 205) is amended by adding at the end the following:

''(q) NONPROGRAM FOOD SALES.—

''(1) DEFINITION OF NONPROGRAM FOOD.—In this subsection:

''(A) IN GENERAL.—The term 'nonprogram food' means food that is—

''(i) sold in a participating school other than a reimbursable meal provided under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

''(ii) purchased using funds from the nonprofit school food service account of the school food authority of the school.

''(B) INCLUSION.—The term 'nonprogram food' includes food that is sold in competition with a program established under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(2) REVENUES.—

''(A) IN GENERAL.—The proportion of total school food service revenue provided by the sale of nonprogram foods to the total revenue of the school food service account shall be equal to or greater than the proportion of total food costs associated with obtaining nonprogram foods to the total costs associated with obtaining program and nonprogram foods from the account.

''(B) ACCRUAL.—All revenue from the sale of nonprogram foods shall accrue to the nonprofit school food service account of a participating school food authority.

''(C) EFFECTIVE DATE.—This subsection shall be effective beginning on July 1, 2011.''.

SEC. 207. REPORTING AND NOTIFICATION OF SCHOOL PERFORMANCE.

Section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) UNIFIED ACCOUNTABILITY SYSTEM.—

''(1) IN GENERAL.—There shall be a unified system prescribed and administered by the Secretary to ensure that local food service authorities participating in the school lunch program established under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) comply with those Acts, including compliance with—

''(A) the nutritional requirements of section 9(f) of this Act for school lunches; and

''(B) as applicable, the nutritional requirements for school breakfasts under section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)).''; and

(2) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

''(A) require that local food service authorities comply with the nutritional requirements described in subparagraphs (A) and (B) of paragraph (1);

''(B) to the maximum extent practicable, ensure compliance through reasonable audits and supervisory assistance reviews;

''(C) in conducting audits and reviews for the purpose of determining compliance with this Act, including the nutritional requirements of section 9(f)—

''(i) conduct audits and reviews during a 3-year cycle or other period prescribed by the Secretary;

''(ii) select schools for review in each local educational agency using criteria established by the Secretary;

''(iii) report the final results of the reviews to the public in the State in an accessible, easily understood manner in accordance with guidelines promulgated by the Secretary; and

''(iv) submit to the Secretary each year a report containing the results of the reviews in accordance with procedures developed by the Secretary; and

''(D) when any local food service authority is reviewed under this section, ensure that the final results of the review by the State educational agency are posted and otherwise made available to the public on request in an accessible, easily understood manner in accordance with guidelines promulgated by the Secretary.''.

SEC. 208. NUTRITION STANDARDS FOR ALL FOODS SOLD IN SCHOOL.

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

(1) by striking the section heading and all that follows through ''(a) The Secretary'' and inserting the following:

''SEC. 10. REGULATIONS.

''(a) IN GENERAL.—The Secretary''; and

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

''(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

''(1) PROPOSED REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall—

''(i) establish science-based nutrition standards for foods sold in schools other than foods provided under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

''(ii) not later than 1 year after the date of enactment of this paragraph, promulgate proposed regulations to carry out clause (i).

''(B) APPLICATION.—The nutrition standards shall apply to all foods sold—

''(i) outside the school meal programs;

''(ii) on the school campus; and

''(iii) at any time during the school day.

''(C) REQUIREMENTS.—In establishing nutrition standards under this paragraph, the Secretary shall—

''(i) establish standards that are consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), including the food groups to encourage and nutrients of concern identified in the Dietary Guidelines; and

''(ii) consider—

''(I) authoritative scientific recommendations for nutrition standards;

''(II) existing school nutrition standards, including voluntary standards for beverages and snack foods and State and local standards;

''(III) the practical application of the nutrition standards; and

''(IV) special exemptions for school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraisers are approved by the school and are infrequent within the school.

''(D) UPDATING STANDARDS.—As soon as practicable after the date of publication by the Department of Agriculture and the Department of Health and Human Services of a new edition of the Dietary Guidelines for Americans under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), the Secretary shall review and update as necessary the school nutrition standards and requirements established under this subsection.

''(2) IMPLEMENTATION.—

''(A) EFFECTIVE DATE.—The interim or final regulations under this subsection shall take effect at the beginning of the school year that is not earlier than 1 year and not later than 2 years following the date on which the regulations are finalized.

''(B) REPORTING.—The Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representatives a quarterly report that describes progress made toward promulgating final regulations under this subsection.''.

SEC. 209. INFORMATION FOR THE PUBLIC ON THE SCHOOL NUTRITION ENVIRONMENT.

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

''(k) INFORMATION ON THE SCHOOL NUTRITION ENVIRONMENT.—

''(1) IN GENERAL.—The Secretary shall—

''(A) establish requirements for local educational agencies participating in the school lunch program under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to report information about the school nutrition environment, for all schools under the jurisdiction of the local educational agencies, to the Secretary and to the public in the State on a periodic basis; and

''(B) provide training and technical assistance to States and local educational agencies on the assessment and reporting of the school nutrition environment, including the use of any assessment materials developed by the Secretary.

''(2) REQUIREMENTS.—In establishing the requirements for reporting on the school nutrition environment under paragraph (1), the Secretary shall—

''(A) include information pertaining to food safety inspections, local wellness policies, meal program participation, the nutritional quality of program meals, and other

information as determined by the Secretary; and

''(B) ensure that information is made available to the public by local educational agencies in an accessible, easily understood manner in accordance with guidelines established by the Secretary.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.''.

SEC. 210. ORGANIC FOOD PILOT PROGRAM.

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

''(j) ORGANIC FOOD PILOT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish an organic food pilot program (referred to in this subsection as the 'pilot program') under which the Secretary shall provide grants on a competitive basis to school food authorities selected under paragraph (3).

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—The Secretary shall use funds provided under this section—

''(i) to enter into competitively awarded contracts or cooperative agreements with school food authorities selected under paragraph (3); or

''(ii) to make grants to school food authority applicants selected under paragraph (3).

''(B) SCHOOL FOOD AUTHORITY USES OF FUNDS.—A school food authority that receives a grant under this section shall use the grant funds to establish a pilot program that increases the quantity of organic foods provided to schoolchildren under the school lunch program established under this Act.

''(3) APPLICATION.—

''(A) IN GENERAL.—A school food authority seeking a contract, grant, or cooperative agreement under this subsection shall submit to the Secretary an application in such form, containing such information, and at such time as the Secretary shall prescribe.

''(B) CRITERIA.—In selecting contract, grant, or cooperative agreement recipients, the Secretary shall consider—

''(i) the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section)) applicable to a family of the size involved of the households in the district served by the school food authority, giving preference to school food authority applicants in which not less than 50 percent of the households in the district are at or below the Federal poverty line;

''(ii) the commitment of each school food authority applicant—

''(I) to improve the nutritional value of school meals;

''(II) to carry out innovative programs that improve the health and wellness of schoolchildren; and

''(III) to evaluate the outcome of the pilot program; and

''(iii) any other criteria the Secretary determines to be appropriate.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for fiscal years 2011 through 2015.''.

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.

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

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

''(a) PROGRAM PURPOSE, GRANT AUTHORITY AND INSTITUTION ELIGIBILITY.—

''(1) IN GENERAL.—

''(A) PROGRAM PURPOSE.—

''(i) FINDINGS.—Congress finds that—

''(I) eating habits and other wellness-related behavior habits are established early in life; and

''(II) good nutrition and wellness are important contributors to the overall health of young children and essential to cognitive development.

''(ii) PURPOSE.—The purpose of the program authorized by this section is to provide aid to child and adult care institutions and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.

''(B) GRANT AUTHORITY.—The Secretary may carry out a program to assist States through grants-in-aid and other means to initiate and maintain nonprofit food service programs for children in institutions providing child care.'';

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

''(g) NUTRITIONAL REQUIREMENTS FOR MEALS AND SNACKS SERVED IN INSTITUTIONS AND FAMILY OR GROUP DAY CARE HOMES.—

''(1) DEFINITION OF DIETARY GUIDELINES.—In this subsection, the term 'Dietary Guidelines' means the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

''(2) NUTRITIONAL REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), reimbursable meals and snacks served by institutions, family or group day care homes, and sponsored centers participating in the program under this section shall consist of a combination of foods that meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research.

''(B) CONFORMITY WITH THE DIETARY GUIDELINES AND AUTHORITATIVE SCIENCE.—

''(i) IN GENERAL.—Not less frequently than once every 10 years, the Secretary shall review and, as appropriate, update requirements for meals served under the program under this section to ensure that the meals—

''(I) are consistent with the goals of the most recent Dietary Guidelines; and

''(II) promote the health of the population served by the program authorized under this section, as indicated by the most recent relevant nutrition science and appropriate authoritative scientific agency and organization recommendations.

''(ii) COST REVIEW.—The review required under clause (i) shall include a review of the cost to child care centers and group or family day care homes resulting from updated requirements for meals and snacks served under the program under this section.

''(iii) REGULATIONS.—Not later than 18 months after the completion of the review of the meal pattern under clause (i), the Secretary shall promulgate proposed regulations to update the meal patterns for meals and snacks served under the program under this section.

''(C) EXCEPTIONS.—

''(i) SPECIAL DIETARY NEEDS.—The minimum nutritional requirements prescribed under subparagraph (A) shall not prohibit institutions, family or group day care homes, and sponsored centers from substituting foods to accommodate the medical or other special dietary needs of individual participants.

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

''(3) MEAL SERVICE.—Institutions, family or group day care homes, and sponsored centers shall ensure that reimbursable meal service contributes to the development and socialization of enrolled children by providing that food is not used as a punishment or reward.

''(4) FLUID MILK.—

''(A) IN GENERAL.—If an institution, family or group day care home, or sponsored center provides fluid milk as part of a reimbursable meal or supplement, the institution, family or group day care home, or sponsored center shall provide the milk in accordance with the most recent version of the Dietary Guidelines.

''(B) MILK SUBSTITUTES.—In the case of children who cannot consume fluid milk due to medical or other special dietary needs other than a disability, an institution, family or group day care home, or sponsored center may substitute for the fluid milk required in meals served, a nondairy beverage that—

''(i) is nutritionally equivalent to fluid milk; and

''(ii) meets nutritional standards established by the Secretary, including, among other requirements established by the Secretary, fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow's milk.

''(C) APPROVAL.—

''(i) IN GENERAL.—A substitution authorized under subparagraph (B) may be made—

''(I) at the discretion of and on approval by the participating day care institution; and

''(II) if the substitution is requested by written statement of a medical authority, or by the parent or legal guardian of the child, that identifies the medical or other special dietary need that restricts the diet of the child.

''(ii) EXCEPTION.—An institution, family or group day care home, or sponsored center that elects to make a substitution authorized under this paragraph shall not be required to provide beverages other than beverages the State has identified as acceptable substitutes.

''(D) EXCESS EXPENSES BORNE BY INSTITUTION.—A participating institution, family or group day care home, or sponsored center shall be responsible for any expenses that—

''(i) are incurred by the institution, family or group day care home, or sponsored center to provide substitutions under this paragraph; and

''(ii) are in excess of expenses covered under reimbursements under this Act.

''(5) NONDISCRIMINATION POLICY.—No physical segregation or other discrimination against any person shall be made because of the inability of the person to pay, nor shall there be any overt identification of any such person by special tokens or tickets, different meals or meal service, announced or published lists of names, or other means.

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

''(A) designated from time to time by the Secretary as being in abundance, either nationally or in the food service area; or

''(B) donated by the Secretary.'';

(3) by adding at the end the following:

''(u) PROMOTING HEALTH AND WELLNESS IN CHILD CARE.—

''(1) PHYSICAL ACTIVITY AND ELECTRONIC MEDIA USE.—The Secretary shall encourage participating child care centers and family or group day care homes—

''(A) to provide to all children under the supervision of the participating child care centers and family or group day care homes daily opportunities for structured and unstructured age-appropriate physical activity; and

''(B) to limit among children under the supervision of the participating child care centers and family or group day care homes the use of electronic media to an appropriate level.

''(2) WATER CONSUMPTION.—Participating child care centers and family or group day care homes shall make available to children, as nutritionally appropriate, potable water as an acceptable fluid for consumption throughout the day, including at meal times.

''(3) TECHNICAL ASSISTANCE AND GUIDANCE.—

''(A) IN GENERAL.—The Secretary shall provide technical assistance to institutions participating in the program under this section to assist participating child care centers and family or group day care homes in complying with the nutritional requirements and wellness recommendations prescribed by the Secretary in accordance with this subsection and subsection (g).

''(B) GUIDANCE.—Not later than January 1, 2012, the Secretary shall issue guidance to States and institutions to encourage participating child care centers and family or group day care homes serving meals and snacks under this section to—

''(i) include foods that are recommended for increased serving consumption in amounts recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), including fresh, canned, dried, or frozen fruits and vegetables, whole grain products, lean meat products, and low-fat and non-fat dairy products; and

''(ii) reduce sedentary activities and provide opportunities for regular physical activity in quantities recommended by the most recent Dietary Guidelines for Americans described in clause (i).

''(C) NUTRITION.—Technical assistance relating to the nutritional requirements of this subsection and subsection (g) shall include—

''(i) nutrition education, including education that emphasizes the relationship between nutrition, physical activity, and health;

''(ii) menu planning;

''(iii) interpretation of nutrition labels; and

''(iv) food preparation and purchasing guidance to produce meals and snacks that are—

''(I) consistent with the goals of the most recent Dietary Guidelines; and

''(II) promote the health of the population served by the program under this section, as recommended by authoritative scientific organizations.

''(D) PHYSICAL ACTIVITY.—Technical assistance relating to the physical activity requirements of this subsection shall include—

''(i) education on the importance of regular physical activity to overall health and well being; and

''(ii) sharing of best practices for physical activity plans in child care centers and homes as recommended by authoritative scientific organizations.

''(E) ELECTRONIC MEDIA USE.—Technical assistance relating to the electronic media use requirements of this subsection shall include—

''(i) education on the benefits of limiting exposure to electronic media by children; and

''(ii) sharing of best practices for the development of daily activity plans that limit use of electronic media.

''(F) MINIMUM ASSISTANCE.—At a minimum, the technical assistance required under this paragraph shall include a handbook, developed by the Secretary in coordination with the Secretary for Health and Human Services, that includes recommendations, guidelines, and best practices for participating institutions and family or group day care homes that are consistent with the nutrition, physical activity, and wellness requirements and recommendations of this subsection.

''(G) ADDITIONAL ASSISTANCE.—In addition to the requirements of this paragraph, the Secretary shall develop and provide such appropriate training and education materials, guidance, and technical assistance as the Secretary considers to be necessary to comply with the nutritional and wellness requirements of this subsection and subsection (g).

''(H) FUNDING.—

''(i) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to provide technical assistance under this subsection $10,000,000, to remain available until expended.

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

SEC. 222. INTERAGENCY COORDINATION TO PROMOTE HEALTH AND WELLNESS IN CHILD CARE LICENSING.

The Secretary shall coordinate with the Secretary of Health and Human Services to encourage State licensing agencies to include nutrition and wellness standards within State licensing standards that ensure, to the maximum extent practicable, that licensed child care centers and family or group day care homes—

(1) provide to all children under the supervision of the child care centers and family or group day care homes daily opportunities for age-appropriate physical activity;

(2) limit among children under the supervision of the child care centers and family or group day care homes the use of electronic media and the quantity of time spent in sedentary activity to an appropriate level;

(3) serve meals and snacks that are consistent with the requirements of the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(4) promote such other nutrition and wellness goals as the Secretaries determine to be necessary.

SEC. 223. STUDY ON NUTRITION AND WELLNESS QUALITY OF CHILD CARE SETTINGS.

(a) IN GENERAL.—Not less than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall enter into a contract for the conduct of a nationally representative study of child care centers and family or group day care homes that includes an assessment of—

(1) the nutritional quality of all foods provided to children in child care settings as compared to the recommendations in most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

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

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

(4) an assessment of barriers and facilitators to—

(A) providing foods to children in child care settings that meet the recommendations of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

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

(C) participation by child care centers and family or group day care homes in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(5) such other assessment measures as the Secretary may determine to be necessary.

(b) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report that includes a detailed description of the results of the study conducted under subsection (a).

(c) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $5,000,000, to remain available until expended.

(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.

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

SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PROGRAM.

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

(1) in subsection (a), in the second sentence, by striking ''supplemental foods and nutrition education through any eligible local agency'' and inserting ''supplemental foods and nutrition education, including breastfeeding promotion and support, through any eligible local agency'';

(2) in subsection (b)(4), by inserting ''breastfeeding support and promotion,'' after ''nutrition education,'';

(3) in subsection (c)(1), in the first sentence, by striking ''supplemental foods and nutrition education to'' and inserting ''supplemental foods, nutrition education, and breastfeeding support and promotion to'';

(4) in subsection (e)(2), in the second sentence, by inserting '', including breastfeeding support and education,'' after ''nutrition education'';

(5) in subsection (f)(6)(B), in the first sentence, by inserting ''and breastfeeding'' after ''nutrition education'';

(6) in subsection (h)—

(A) in paragraph (4)—

(i) by striking ''(4) The Secretary'' and all that follows through ''(A) in consultation'' and inserting the following:

''(4) REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall—

''(i) in consultation'';

(ii) by redesignating subparagraphs (B) through (F) as clauses (ii) through (vi), respectively, and indenting appropriately;

(iii) in clause (v) (as so redesignated), by striking ''and'' at the end;

(iv) in clause (vi) (as so redesignated), by striking ''2010 initiative.'' and inserting ''initiative; and''; and

(v) by adding at the end the following:

''(vii) annually compile and publish breastfeeding performance measurements based on program participant data on the number of partially and fully breast-fed infants, including breastfeeding performance measurements for—

''(I) each State agency; and

''(II) each local agency;

''(viii) in accordance with subparagraph (B), implement a program to recognize exemplary breastfeeding support practices at local agencies or clinics participating in the special supplemental nutrition program established under this section; and

''(ix) in accordance with subparagraph (C), implement a program to provide performance bonuses to State agencies.

''(B) EXEMPLARY BREASTFEEDING SUPPORT PRACTICES.—

''(i) IN GENERAL.—In evaluating exemplary practices under subparagraph (A)(viii), the Secretary shall consider—

''(I) performance measurements of breastfeeding;

''(II) the effectiveness of a peer counselor program;

''(III) the extent to which the agency or clinic has partnered with other entities to build a supportive breastfeeding environment for women participating in the program; and

''(IV) such other criteria as the Secretary considers appropriate after consultation with State and local program agencies.

''(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities described in clause (viii) of subparagraph (A) such sums as are necessary.

''(C) PERFORMANCE BONUSES.—

''(i) IN GENERAL.—Following the publication of breastfeeding performance measurements under subparagraph (A)(vii), the Secretary shall provide performance bonus payments to not more than 15 State agencies that demonstrate, as compared to other State agencies participating in the program—

''(I) the highest proportion of breast-fed infants; or

''(II) the greatest improvement in proportion of breast-fed infants.

''(ii) CONSIDERATION.—In providing performance bonus payments to State agencies under this subparagraph, the Secretary shall consider the proportion of fully breast-fed infants in the States.

''(iii) USE OF FUNDS.—A State agency that receives a performance bonus under clause (i)—

''(I) shall treat the funds as program income; and

''(II) may transfer the funds to local agencies for use in carrying out the program.

''(iv) IMPLEMENTATION.—The Secretary shall provide the first performance bonuses not later than 1 year after the date of enactment of this clause and may subsequently revise the criteria for awarding performance bonuses; and''; and

(B) by striking paragraph (10) and inserting the following:

''(10) FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.—

''(A) IN GENERAL.—For each of fiscal years 2010 through 2015, the Secretary shall use for the purposes specified in subparagraph (B) $139,000,000 (as adjusted annually for inflation by the same factor used to determine the national average per participant grant for nutrition services and administration for the fiscal year under paragraph (1)(B)).

''(B) PURPOSES.—Subject to subparagraph (C), of the amount made available under subparagraph (A) for a fiscal year—

''(i) $14,000,000 shall be used for—

''(I) infrastructure for the program under this section;

''(II) special projects to promote breastfeeding, including projects to assess the effectiveness of particular breastfeeding promotion strategies; and

''(III) special State projects of regional or national significance to improve the services of the program;

''(ii) $35,000,000 shall be used to establish, improve, or administer management information systems for the program, including changes necessary to meet new legislative or regulatory requirements of the program, of which up to $5,000,000 may be used for Federal administrative costs; and

''(iii) $90,000,000 shall be used for special nutrition education (such as breastfeeding peer counselors and other related activities), of which not more than $10,000,000 of any funding provided in excess of $50,000,000 shall be used to make performance bonus payments under paragraph (4)(C).

''(C) ADJUSTMENT.—Each of the amounts referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be adjusted annually for inflation by the same factor used to determine the national average per participant grant for nutrition services and administration for the fiscal year under paragraph (1)(B).

''(D) PROPORTIONAL DISTRIBUTION.—The Secretary shall distribute funds made available under subparagraph (A) in accordance with the proportional distribution described in subparagraphs (B) and (C).''; and

(7) in subsection (j), by striking ''supplemental foods and nutrition education'' each place it appears in paragraphs (1) and (2) and inserting ''supplemental foods, nutrition education, and breastfeeding support and promotion''.

SEC. 232. REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.

Section 17(f)(11)(D) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11)(D)) is amended in the matter preceding clause (i) by inserting ''but not less than every 10 years,'' after ''scientific knowledge,''.

Subtitle D—Miscellaneous

SEC. 241. NUTRITION EDUCATION AND OBESITY PREVENTION GRANT PROGRAM.

(a) IN GENERAL.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

''SEC. 28. NUTRITION EDUCATION AND OBESITY PREVENTION GRANT PROGRAM.

''(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the term 'eligible individual' means an individual who is eligible to receive benefits under a nutrition education and obesity prevention program under this section as a result of being—

''(1) an individual eligible for benefits under—

''(A) this Act;

''(B) sections 9(b)(1)(A) and 17(c)(4) of the Richard B Russell National School Lunch Act (42 U.S.C. 1758(b)(1)(A), 1766(c)(4)); or

''(C) section 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)(A));

''(2) an individual who resides in a community with a significant low-income population, as determined by the Secretary; or

''(3) such other low-income individual as is determined to be eligible by the Secretary.

''(b) PROGRAMS.—Consistent with the terms and conditions of grants awarded under this section, State agencies may implement a nutrition education and obesity prevention program for eligible individuals that promotes healthy food choices consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

''(c) DELIVERY OF NUTRITION EDUCATION AND OBESITY PREVENTION SERVICES.—

''(1) IN GENERAL.—State agencies may deliver nutrition education and obesity prevention services under a program described in subsection (b)—

''(A) directly to eligible individuals; or

''(B) through agreements with other State or local agencies or community organizations.

''(2) NUTRITION EDUCATION STATE PLANS.—

''(A) IN GENERAL.—A State agency that elects to provide nutrition education and obesity prevention services under this subsection shall submit to the Secretary for approval a nutrition education State plan.

''(B) REQUIREMENTS.—Except as provided in subparagraph (C), a nutrition education State plan shall—

''(i) identify the uses of the funding for local projects;

''(ii) ensure that the interventions are appropriate for eligible individuals who are members of low-income populations by recognizing the constrained resources, and the potential eligibility for Federal food assistance programs, of members of those populations; and

''(iii) conform to standards established by the Secretary through regulations, guidance, or grant award documents.

''(C) TRANSITION PERIOD.—During each of fiscal years 2011 and 2012, a nutrition education State plan under this section shall be consistent with the requirements of section 11(f) (as that section, other than paragraph (3)(C), existed on the day before the date of enactment of this section).

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—A State agency may use funds provided under this section for any evidence-based allowable use of funds identified by the Administrator of the Food and Nutrition Service of the Department of Agriculture in consultation with the Director of the Centers for Disease Control and Prevention of the Department of Health and Human Services, including—

''(i) individual and group-based nutrition education, health promotion, and intervention strategies;

''(ii) comprehensive, multilevel interventions at multiple complementary organizational and institutional levels; and

''(iii) community and public health approaches to improve nutrition.

''(B) CONSULTATION.—In identifying allowable uses of funds under subparagraph (A) and in seeking to strengthen delivery, oversight, and evaluation of nutrition education, the Administrator of the Food and Nutrition Service shall consult with the Director of the Centers for Disease Control and Prevention and outside stakeholders and experts, including—

''(i) representatives of the academic and research communities;

''(ii) nutrition education practitioners;

''(iii) representatives of State and local governments; and

''(iv) community organizations that serve low-income populations.

''(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible individuals under this Act of the availability of nutrition education and obesity prevention services under this section in local communities.

''(5) COORDINATION.—Subject to the approval of the Secretary, projects carried out with funds received under this section may be coordinated with other health promotion or nutrition improvement strategies, whether public or privately funded, if the projects carried out with funds received under this section remain under the administrative control of the State agency.

''(d) FUNDING.—

''(1) IN GENERAL.—Of funds made available each fiscal year under section 18(a)(1), the Secretary shall reserve for allocation to State agencies to carry out the nutrition education and obesity prevention grant program under this section, to remain available for obligation for a period of 2 fiscal years—

''(A) for fiscal year 2011, $375,000,000; and

''(B) for fiscal year 2012 and each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect any increases for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(2) ALLOCATION.—

''(A) INITIAL ALLOCATION.—Of the funds set aside under paragraph (1), as determined by the Secretary—

''(i) for each of fiscal years 2011 through 2013, 100 percent shall be allocated to State agencies in direct proportion to the amount of funding that the State received for carrying out section 11(f) (as that section existed on the day before the date of enactment of this section) during fiscal year 2009, as reported to the Secretary as of February 2010; and

''(ii) subject to a reallocation under subparagraph (B)—

''(I) for fiscal year 2014—

''(aa) 90 percent shall be allocated to State agencies in accordance with clause (i); and

''(bb) 10 percent shall be allocated to State agencies based on the respective share of each State of the number of individuals participating in the supplemental nutrition assistance program during the 12-month period ending the preceding January 31;

''(II) for fiscal year 2015—

''(aa) 80 percent shall be allocated to State agencies in accordance with clause (i); and

''(bb) 20 percent shall be allocated in accordance with subclause (I)(bb);

''(III) for fiscal year 2016—

''(aa) 70 percent shall be allocated to State agencies in accordance with clause (i); and

''(bb) 30 percent shall be allocated in accordance with subclause (I)(bb);

''(IV) for fiscal year 2017—

''(aa) 60 percent shall be allocated to State agencies in accordance with clause (i); and

''(bb) 40 percent shall be allocated in accordance with subclause (I)(bb); and

''(V) for fiscal year 2018 and each fiscal year thereafter—

''(aa) 50 percent shall be allocated to State agencies in accordance with clause (i); and

''(bb) 50 percent shall be allocated in accordance with subclause (I)(bb).

''(B) REALLOCATION.—

''(i) IN GENERAL.—If the Secretary determines that a State agency will not expend all of the funds allocated to the State agency for a fiscal year under paragraph (1) or in the case of a State agency that elects not to receive the entire amount of funds allocated to the State agency for a fiscal year, the Secretary shall reallocate the unexpended funds to other States during the fiscal year or the subsequent fiscal year (as determined by the Secretary) that have approved State plans under which the State agencies may expend the reallocated funds.

''(ii) EFFECT OF ADDITIONAL FUNDS.—

''(I) FUNDS RECEIVED.—Any reallocated funds received by a State agency under clause (i) for a fiscal year shall be considered to be part of the fiscal year 2009 base allocation of funds to the State agency for that fiscal year for purposes of determining allocation under subparagraph (A) for the subsequent fiscal year.

''(II) FUNDS SURRENDERED.—Any funds surrendered by a State agency under clause (i) shall not be considered to be part of the fiscal year 2009 base allocation of funds to a State agency for that fiscal year for purposes of determining allocation under subparagraph (A) for the subsequent fiscal year.

''(3) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

''(A) IN GENERAL.—Grants awarded under this section shall be the only source of Federal financial participation under this Act in nutrition education and obesity prevention.

''(B) EXCLUSION.—Any costs of nutrition education and obesity prevention in excess of the grants authorized under this section shall not be eligible for reimbursement under section 16(a).

''(e) IMPLEMENTATION.—Not later than January 1, 2012, the Secretary shall publish in the Federal Register a description of the requirements for the receipt of a grant under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the first sentence by striking ''and, through an approved State plan, nutrition education''.

(2) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (f).

SEC. 242. PROCUREMENT AND PROCESSING OF FOOD SERVICE PRODUCTS AND COMMODITIES.

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

''(C) PROCUREMENT AND PROCESSING OF FOOD SERVICE PRODUCTS AND COMMODITIES.—The Secretary shall—

''(i) identify, develop, and disseminate to State departments of agriculture and education, school food authorities, local educational agencies, and local processing entities, model product specifications and practices for foods offered in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to ensure that the foods reflect the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

''(ii) not later than 1 year after the date of enactment of this subparagraph—

''(I) carry out a study to analyze the quantity and quality of nutritional information available to school food authorities about food service products and commodities; and

''(II) submit to Congress a report on the results of the study that contains such legislative recommendations as the Secretary considers necessary to ensure that school food authorities have access to the nutritional information needed for menu planning and compliance assessments; and

''(iii) to the maximum extent practicable, in purchasing and processing commodities for use in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), purchase the widest variety of healthful foods that reflect the most recent Dietary Guidelines for Americans.''.

SEC. 243. ACCESS TO LOCAL FOODS: FARM TO SCHOOL PROGRAM.

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

(1) by redesignating subsections (h) and (i) and subsection (j) (as added by section 210) as subsections (i) through (k), respectively;

(2) in subsection (g), by striking ''(g) ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.—'' and all that follows through ''(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.— '' and inserting the following:

''(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL PROGRAM.—

''(1) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term 'eligible school' means a school or institution that participates in a program under this Act or the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

''(2) PROGRAM.—The Secretary shall carry out a program to assist eligible schools, State and local agencies, Indian tribal organizations, agricultural producers or groups of agricultural producers, and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

''(3) GRANTS.—

''(A) IN GENERAL.—The Secretary shall award competitive grants under this subsection to be used for—

''(i) training;

''(ii) supporting operations;

''(iii) planning;

''(iv) purchasing equipment;

''(v) developing school gardens;

''(vi) developing partnerships; and

''(vii) implementing farm to school programs.

''(B) REGIONAL BALANCE.—In making awards under this subsection, the Secretary shall, to the maximum extent practicable, ensure—

''(i) geographical diversity; and

''(ii) equitable treatment of urban, rural, and tribal communities.

''(C) MAXIMUM AMOUNT.—The total amount provided to a grant recipient under this subsection shall not exceed $100,000.

''(4) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of costs for a project funded through a grant awarded under this subsection shall not exceed 75 percent of the total cost of the project.

''(B) FEDERAL MATCHING.—As a condition of receiving a grant under this subsection, a grant recipient shall provide matching support in the form of cash or in-kind contributions, including facilities, equipment, or services provided by State and local governments, nonprofit organizations, and private sources.

''(5) CRITERIA FOR SELECTION.—To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall give the highest priority to funding projects that, as determined by the Secretary—

''(A) make local food products available on the menu of the eligible school;

''(B) serve a high proportion of children who are eligible for free or reduced price lunches;

''(C) incorporate experiential nutrition education activities in curriculum planning that encourage the participation of school children in farm and garden-based agricultural education activities;

''(D) demonstrate collaboration between eligible schools, nongovernmental and community-based organizations, agricultural producer groups, and other community partners;

''(E) include adequate and participatory evaluation plans;

''(F) demonstrate the potential for long-term program sustainability; and

''(G) meet any other criteria that the Secretary determines appropriate.

''(6) EVALUATION.—As a condition of receiving a grant under this subsection, each grant recipient shall agree to cooperate in an evaluation by the Secretary of the program carried out using grant funds.

''(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and information to assist eligible schools, State and local agencies, Indian tribal organizations, and nonprofit entities—

''(A) to facilitate the coordination and sharing of information and resources in the Department that may be applicable to the farm to school program;

''(B) to collect and share information on best practices; and

''(C) to disseminate research and data on existing farm to school programs and the potential for programs in underserved areas.

''(8) FUNDING.—

''(A) IN GENERAL.—On October 1, 2012, and each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $5,000,000, to remain available until expended.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

''(9) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (8), there are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.

''(h) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

''(1) IN GENERAL.—''; and

(3) in subsection (h) (as redesignated by paragraph (2))—

(A) in subparagraph (F) of paragraph (1) (as so redesignated), by striking ''in accordance with paragraph (1)(H)'' and inserting ''carried out by the Secretary'';

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

(C) in paragraph (2) (as so redesignated), by striking ''2009'' and inserting ''2015''.

SEC. 244. RESEARCH ON STRATEGIES TO PROMOTE THE SELECTION AND CONSUMPTION OF HEALTHY FOODS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall establish a research, demonstration, and technical assistance program to promote healthy eating and reduce the prevalence of obesity, among all population groups but especially among children, by applying the principles and insights of behavioral economics research in schools, child care programs, and other settings.

(b) PRIORITIES.—The Secretary shall—

(1) identify and assess the impacts of specific presentation, placement, and other strategies for structuring choices on selection and consumption of healthful foods in a variety of settings, consistent with the most recent version of the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(2) demonstrate and rigorously evaluate behavioral economics-related interventions that hold promise to improve diets and promote health, including through demonstration projects that may include evaluation of the use of portion size, labeling, convenience, and other strategies to encourage healthy choices; and

(3) encourage adoption of the most effective strategies through outreach and technical assistance.

(c) AUTHORITY.—In carrying out the program under subsection (a), the Secretary may—

(1) enter into competitively awarded contracts or cooperative agreements; or

(2) provide grants to States or public or private agencies or organizations, as determined by the Secretary.

(d) APPLICATION.—To be eligible to enter into a contract or cooperative agreement or receive a grant under this section, a State or public or private agency or organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) COORDINATION.—The solicitation and evaluation of contracts, cooperative agreements, and grant proposals considered under this section shall be coordinated with the Food and Nutrition Service as appropriate to ensure that funded projects are consistent with the operations of Federally supported nutrition assistance programs and related laws (including regulations).

(f) ANNUAL REPORTS.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

(1) the policies, priorities, and operations of the program carried out by the Secretary under this section during the fiscal year;

(2) the results of any evaluations completed during the fiscal year; and

(3) the efforts undertaken to disseminate successful practices through outreach and technical assistance.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2011 through 2015.

(2) USE OF FUNDS.—The Secretary may use up to 5 percent of the funds made available under paragraph (1) for Federal administrative expenses incurred in carrying out this section.

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

Subtitle A—National School Lunch Program

SEC. 301. PRIVACY PROTECTION.

Section 9(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(1)) is amended—

(1) in the first sentence, by inserting ''the last 4 digits of'' before ''the social security account number''; and

(2) by striking the second sentence.

SEC. 302. APPLICABILITY OF FOOD SAFETY PROGRAM ON ENTIRE SCHOOL CAMPUS.

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

(1) by striking ''Each school food'' and inserting the following:

''(A) IN GENERAL.—Each school food''; and

(2) by adding at the end the following:

''(B) APPLICABILITY.—Subparagraph (A) shall apply to any facility or part of a facility in which food is stored, prepared, or served for the purposes of the school nutrition programs under this Act or section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).''.

SEC. 303. FINES FOR VIOLATING PROGRAM REQUIREMENTS.

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

''(e) FINES FOR VIOLATING PROGRAM REQUIREMENTS.—

''(1) SCHOOL FOOD AUTHORITIES AND SCHOOLS.—

''(A) IN GENERAL.—The Secretary shall establish criteria by which the Secretary or a State agency may impose a fine against any school food authority or school administering a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) if the Secretary or the State agency determines that the school food authority or school has—

''(i) failed to correct severe mismanagement of the program;

''(ii) disregarded a program requirement of which the school food authority or school had been informed; or

''(iii) failed to correct repeated violations of program requirements.

''(B) LIMITS.—

''(i) IN GENERAL.—In calculating the fine for a school food authority or school, the Secretary shall base the amount of the fine on the reimbursement earned by school food authority or school for the program in which the violation occurred.

''(ii) AMOUNT.—The amount under clause (i) shall not exceed—

''(I) 1 percent of the amount of meal reimbursements earned for the fiscal year for the first finding of 1 or more program violations under subparagraph (A);

''(II) 5 percent of the amount of meal reimbursements earned for the fiscal year for the second finding of 1 or more program violations under subparagraph (A); and

''(III) 10 percent of the amount of meal reimbursements earned for the fiscal year for the third or subsequent finding of 1 or more program violations under subparagraph (A).

''(2) STATE AGENCIES.—

''(A) IN GENERAL.—The Secretary shall establish criteria by which the Secretary may impose a fine against any State agency administering a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) if the Secretary determines that the State agency has—

''(i) failed to correct severe mismanagement of the program;

''(ii) disregarded a program requirement of which the State had been informed; or

''(iii) failed to correct repeated violations of program requirements.

''(B) LIMITS.—In the case of a State agency, the amount of a fine under subparagraph (A) shall not exceed—

''(i) 1 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the first finding of 1 or more program violations under subparagraph (A);

''(ii) 5 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the second finding of 1 or more program violations under subparagraph (A); and

''(iii) 10 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the third or subsequent finding of 1 or more program violations under subparagraph (A).

''(3) SOURCE OF FUNDING.—Funds to pay a fine imposed under paragraph (1) or (2) shall be derived from non-Federal sources.''.

SEC. 304. INDEPENDENT REVIEW OF APPLICATIONS.

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

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

''(A) IN GENERAL.—A local educational agency that has demonstrated a high level of, or a high risk for, administrative error associated with certification, verification, and other administrative processes, as determined by the Secretary, shall ensure that the initial eligibility determination for each application is reviewed for accuracy prior to notifying a household of the eligibility or ineligibility of the household for free or reduced price meals.

''(B) TIMELINESS.—The review of initial eligibility determinations—

''(i) shall be completed in a timely manner; and

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

''(C) ACCEPTABLE TYPES OF REVIEW.—Subject to standards established by the Secretary, the system used to review eligibility determinations for accuracy shall be conducted by an individual or entity that did

not make the initial eligibility determination.

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

''(E) REPORTING.—

''(i) LOCAL EDUCATIONAL AGENCIES.—In accordance with procedures established by the Secretary, each local educational agency required to review initial eligibility determinations shall submit to the relevant State agency a report describing the results of the reviews, including—

''(I) the number and percentage of reviewed applications for which the eligibility determination was changed and the type of change made; and

''(II) such other information as the Secretary determines to be necessary.

''(ii) STATE AGENCIES.—In accordance with procedures established by the Secretary, each State agency shall submit to the Secretary a report describing the results of the reviews of initial eligibility determinations, including—

''(I) the number and percentage of reviewed applications for which the eligibility determination was changed and the type of change made; and

''(II) such other information as the Secretary determines to be necessary.

''(iii) TRANSPARENCY.—The Secretary shall publish annually the results of the reviews of initial eligibility determinations by State, number, percentage, and type of error.''.

SEC. 305. PROGRAM EVALUATION.

Section 28 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769i) is amended by adding at the end the following:

''(c) COOPERATION WITH PROGRAM RESEARCH AND EVALUATION.—States, State educational agencies, local educational agencies, schools, institutions, facilities, and contractors participating in programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall cooperate with officials and contractors acting on behalf of the Secretary, in the conduct of evaluations and studies under those Acts.''.

SEC. 306. PROFESSIONAL STANDARDS FOR SCHOOL FOOD SERVICE.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended by striking subsection (g) and inserting the following:

''(g) PROFESSIONAL STANDARDS FOR SCHOOL FOOD SERVICE.—

''(1) CRITERIA FOR SCHOOL FOOD SERVICE AND STATE AGENCY DIRECTORS.—

''(A) SCHOOL FOOD SERVICE DIRECTORS.—

''(i) IN GENERAL.—The Secretary shall establish a program of required education, training, and certification for all school food service directors responsible for the management of a school food authority.

''(ii) REQUIREMENTS.—The program shall include—

''(I) minimum educational requirements necessary to successfully manage the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act;

''(II) minimum program training and certification criteria for school food service directors; and

''(III) minimum periodic training criteria to maintain school food service director certification.

''(B) SCHOOL NUTRITION STATE AGENCY DIRECTORS.—The Secretary shall establish criteria and standards for States to use in the selection of State agency directors with responsibility for the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act.

''(C) TRAINING PROGRAM PARTNERSHIP.—The Secretary may provide financial and other assistance to 1 or more professional food service management organizations—

''(i) to establish and manage the program under this paragraph; and

''(ii) to develop voluntary training and certification programs for other school food service workers.

''(D) REQUIRED DATE OF COMPLIANCE.—

''(i) SCHOOL FOOD SERVICE DIRECTORS.—The Secretary shall establish a date by which all school food service directors whose local educational agencies are participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act shall be required to comply with the education, training, and certification criteria established in accordance with subparagraph (A).

''(ii) SCHOOL NUTRITION STATE AGENCY DIRECTORS.—The Secretary shall establish a date by which all State agencies shall be required to comply with criteria and standards established in accordance with subparagraph (B) for the selection of State agency directors with responsibility for the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act.

''(2) TRAINING AND CERTIFICATION OF FOOD SERVICE PERSONNEL.—

''(A) TRAINING FOR INDIVIDUALS CONDUCTING OR OVERSEEING ADMINISTRATIVE PROCEDURES.—

''(i) IN GENERAL.—At least annually, each State shall provide training in administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures) to local educational agency and school food authority personnel and other appropriate personnel.

''(ii) FEDERAL ROLE.—The Secretary shall—

''(I) provide training and technical assistance described in clause (i) to the State; or

''(II) at the option of the Secretary, directly provide training and technical assistance described in clause (i).

''(iii) REQUIRED PARTICIPATION.—In accordance with procedures established by the Secretary, each local educational agency or school food authority shall ensure that an individual conducting or overseeing administrative procedures described in clause (i) receives training at least annually, unless determined otherwise by the Secretary.

''(B) TRAINING AND CERTIFICATION OF ALL LOCAL FOOD SERVICE PERSONNEL.—

''(i) IN GENERAL.—The Secretary shall provide training designed to improve—

''(I) the accuracy of approvals for free and reduced price meals; and

''(II) the identification of reimbursable meals at the point of service.

''(ii) CERTIFICATION OF LOCAL PERSONNEL.—In accordance with criteria established by the Secretary, local food service personnel shall complete annual training and receive annual certification—

''(I) to ensure program compliance and integrity; and

''(II) to demonstrate competence in the training provided under clause (i).

''(iii) TRAINING MODULES.—In addition to the topics described in clause (i), a training program carried out under this subparagraph shall include training modules on—

''(I) nutrition;

''(II) health and food safety standards and methodologies; and

''(III) any other appropriate topics, as determined by the Secretary.

''(3) FUNDING.—

''(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection, to remain available until expended—

''(i) on October 1, 2010, $5,000,000; and

''(ii) on each October 1 thereafter, $1,000,000.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.''.

SEC. 307. INDIRECT COSTS.

(a) GUIDANCE ON INDIRECT COSTS RULES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidance to school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) covering program rules pertaining to indirect costs, including allowable indirect costs that may be charged to the nonprofit school food service account.

(b) INDIRECT COST STUDY.—The Secretary shall—

(1) conduct a study to assess the extent to which school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) pay indirect costs, including assessments of—

(A) the allocation of indirect costs to, and the methodologies used to establish indirect cost rates for, school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(B) the impact of indirect costs charged to the nonprofit school food service account;

(C) the types and amounts of indirect costs charged and recovered by school districts;

(D) whether the indirect costs charged or recovered are consistent with requirements for the allocation of indirect costs and school food service operations; and

(E) the types and amounts of indirect costs that could be charged or recovered under requirements for the allocation of indirect costs and school food service operations but are not charged or recovered; and

(2) after completing the study required under paragraph (1), issue additional guidance relating to the types of costs that are reasonable and necessary to provide meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(c) REGULATIONS.—After conducting the study under subsection (b)(1) and identifying costs under subsection (b)(2), the Secretary may promulgate regulations to address—

(1) any identified deficiencies in the allocation of indirect costs; and

(2) the authority of school food authorities to reimburse only those costs identified by the Secretary as reasonable and necessary under subsection (b)(2).

(d) REPORT.—Not later than October 1, 2013, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study under subsection (b).

(e) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $2,000,000, to remain available until expended.

(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.

SEC. 308. ENSURING SAFETY OF SCHOOL MEALS.

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

"SEC. 29. ENSURING SAFETY OF SCHOOL MEALS.

''(a) FOOD AND NUTRITION SERVICE.—Not later than 1 year after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall—

''(1) in consultation with the Administrator of the Agricultural Marketing Service and the Administrator of the Farm Service Agency, develop guidelines to determine the circumstances under which it is appropriate for the Secretary to institute an administrative hold on suspect foods purchased by the Secretary that are being used in school meal programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

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

''(3) improve the timeliness and completeness of direct communication between the Food and Nutrition Service and States about holds and recalls, such as through the commodity alert system of the Food and Nutrition Service; and

''(4) establish a timeframe to improve the commodity hold and recall procedures of the Department of Agriculture to address the role of processors and determine the involvement of distributors with processed products that may contain recalled ingredients, to facilitate the provision of more timely and complete information to schools.

''(b) FOOD SAFETY AND INSPECTION SERVICE.—Not later than 1 year after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary, acting through the Administrator of the Food Safety and Inspection Service, shall revise the procedures of the Food Safety and Inspection Service to ensure that schools are included in effectiveness checks.''.

Subtitle B—Summer Food Service Program

SEC. 321. SUMMER FOOD SERVICE PROGRAM PERMANENT OPERATING AGREEMENTS.

Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended by striking paragraph (3) and inserting the following:

''(3) PERMANENT OPERATING AGREEMENTS AND BUDGET FOR ADMINISTRATIVE COSTS.—

''(A) PERMANENT OPERATING AGREEMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), to participate in the program, a service institution that meets the conditions of eligibility described in this section and in regulations promulgated by the Secretary, shall be required to enter into a permanent agreement with the applicable State agency.

''(ii) AMENDMENTS.—A permanent agreement described in clause (i) may be amended as necessary to ensure that the service institution is in compliance with all requirements established in this section or by the Secretary.

''(iii) TERMINATION.—A permanent agreement described in clause (i)—

''(I) may be terminated for convenience by the service institution and State agency that is a party to the permanent agreement; and

''(II) shall be terminated—

''(aa) for cause by the applicable State agency in accordance with subsection (q) and with regulations promulgated by the Secretary; or

''(bb) on termination of participation of the service institution in the program.

''(B) BUDGET FOR ADMINISTRATIVE COSTS.—

''(i) IN GENERAL.—When applying for participation in the program, and not less frequently than annually thereafter, each service institution shall submit a complete budget for administrative costs related to the program, which shall be subject to approval by the State.

''(ii) AMOUNT.—Payment to service institutions for administrative costs shall equal the levels determined by the Secretary pursuant to the study required in paragraph (4).''.

SEC. 322. SUMMER FOOD SERVICE PROGRAM DISQUALIFICATION.

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

(1) by redesignating subsection (q) as subsection (r); and

(2) by inserting after subsection (p) the following:

''(q) TERMINATION AND DISQUALIFICATION OF PARTICIPATING ORGANIZATIONS.—

''(1) IN GENERAL.—Each State agency shall follow the procedures established by the Secretary for the termination of participation of institutions under the program.

''(2) FAIR HEARING.—The procedures described in paragraph (1) shall include provision for a fair hearing and prompt determination for any service institution aggrieved by any action of the State agency that affects—

''(A) the participation of the service institution in the program; or

''(B) the claim of the service institution for reimbursement under this section.

''(3) LIST OF DISQUALIFIED INSTITUTIONS AND INDIVIDUALS.—

''(A) IN GENERAL.—The Secretary shall maintain a list of service institutions and individuals that have been terminated or otherwise disqualified from participation in the program under the procedures established pursuant to paragraph (1).

''(B) AVAILABILITY.—The Secretary shall make the list available to States for use in approving or renewing applications by service institutions for participation in the program.''.

Subtitle C—Child and Adult Care Food Program

SEC. 331. RENEWAL OF APPLICATION MATERIALS AND PERMANENT OPERATING AGREEMENTS.

(a) PERMANENT OPERATING AGREEMENTS.—Section 17(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(1)) is amended by adding at the end the following:

''(E) PERMANENT OPERATING AGREEMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), to participate in the child and adult care food program, an institution that meets the conditions of eligibility described in this subsection shall be required to enter into a permanent agreement with the applicable State agency.

''(ii) AMENDMENTS.—A permanent agreement described in clause (i) may be amended as necessary to ensure that the institution is in compliance with all requirements established in this section or by the Secretary.

''(iii) TERMINATION.—A permanent agreement described in clause (i)—

''(I) may be terminated for convenience by the institution or State agency that is a party to the permanent agreement; and

''(II) shall be terminated—

''(aa) for cause by the applicable State agency in accordance with paragraph (5); or

''(bb) on termination of participation of the institution in the child and adult care food program.''.

(b) APPLICATIONS AND REVIEWS.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)) is amended by striking paragraph (2) and inserting the following:

''(2) PROGRAM APPLICATIONS.—

''(A) IN GENERAL.—The Secretary shall develop a policy under which each institution providing child care that participates in the program under this section shall—

''(i) submit to the State agency an initial application to participate in the program that meets all requirements established by the Secretary by regulation;

''(ii) annually confirm to the State agency that the institution, and any facilities of the institution in which the program is operated by a sponsoring organization, is in compliance with subsection (a)(5); and

''(iii) annually submit to the State agency any additional information necessary to confirm that the institution is in compliance with all other requirements to participate in the program, as established in this Act and by the Secretary by regulation.

''(B) REQUIRED REVIEWS OF SPONSORED FACILITIES.—

''(i) IN GENERAL.—The Secretary shall develop a policy under which each sponsoring organization participating in the program under this section shall conduct—

''(I) periodic unannounced site visits at not less than 3-year intervals to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program; and

''(II) at least 1 scheduled site visit each year to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program and to improve program operations.

''(ii) VARIED TIMING.—Sponsoring organizations shall vary the timing of unannounced reviews under clause (i)(I) in a manner that makes the reviews unpredictable to sponsored facilities.

''(C) REQUIRED REVIEWS OF INSTITUTIONS.—The Secretary shall develop a policy under which each State agency shall conduct—

''(i) at least 1 scheduled site visit at not less than 3-year intervals to each institution under the State agency participating in the program under this section—

''(I) to identify and prevent management deficiencies and fraud and abuse under the program; and

''(II) to improve program operations; and

''(ii) more frequent reviews of any institution that—

''(I) sponsors a significant share of the facilities participating in the program;

''(II) conducts activities other than the program authorized under this section;

''(III) has serious management problems, as identified in a prior review, or is at risk of having serious management problems; or

''(IV) meets such other criteria as are defined by the Secretary.

''(D) DETECTION AND DETERRENCE OF ERRONEOUS PAYMENTS AND FALSE CLAIMS.—

''(i) IN GENERAL.—The Secretary may develop a policy to detect and deter, and recover erroneous payments to, and false claims submitted by, institutions, sponsored child and adult care centers, and family or group day care homes participating in the program under this section.

''(ii) BLOCK CLAIMS.—

''(I) DEFINITION OF BLOCK CLAIM.—In this clause, the term 'block claim' has the meaning given the term in section 226.2 of title 7, Code of Federal Regulations (or successor regulations).

''(II) PROGRAM EDIT CHECKS.—The Secretary may not require any State agency, sponsoring organization, or other institution to perform edit checks or on-site reviews relating to the detection of block claims by any child care facility.

''(III) ALLOWANCE.—Notwithstanding subclause (II), the Secretary may require any State agency, sponsoring organization, or other institution to collect, store, and transmit to the appropriate entity information necessary to develop any other policy developed under clause (i).''.

(c) AGREEMENTS.—Section 17(j)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(j)(1)) is amended—

(1) by striking ''may'' and inserting ''shall'';

(2) by striking ''family or group day care'' the first place it appears; and

(3) by inserting ''or sponsored day care centers'' before ''participating''.

SEC. 332. STATE LIABILITY FOR PAYMENTS TO AGGRIEVED CHILD CARE INSTITUTIONS.

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

(1) in paragraph (3), by striking ''(3) If a State'' and inserting the following:

''(5) SECRETARIAL HEARING.—If a State''; and

(2) by striking ''(e) Except as provided'' and all that follows through ''(2) A State'' and inserting the following:

''(e) HEARINGS.—

''(1) IN GENERAL.—Except as provided in paragraph (4), each State agency shall provide, in accordance with regulations promulgated by the Secretary, an opportunity for a fair hearing and a prompt determination to any institution aggrieved by any action of the State agency that affects—

''(A) the participation of the institution in the program authorized by this section; or

''(B) the claim of the institution for reimbursement under this section.

''(2) REIMBURSEMENT.—In accordance with paragraph (3), a State agency that fails to meet timeframes for providing an opportunity for a fair hearing and a prompt determination to any institution under paragraph (1) in accordance with regulations promulgated by the Secretary, shall pay, from non-Federal sources, all valid claims for reimbursement to the institution and the facilities of the institution during the period beginning on the day after the end of any regulatory deadline for providing the opportunity and making the determination and ending on the date on which a hearing determination is made.

''(3) NOTICE TO STATE AGENCY.—The Secretary shall provide written notice to a State agency at least 30 days prior to imposing any liability for reimbursement under paragraph (2).

''(4) FEDERAL AUDIT DETERMINATION.—A State''.

SEC. 333. TRANSMISSION OF INCOME INFORMATION BY SPONSORED FAMILY OR GROUP DAY CARE HOMES.

Section 17(f)(3)(A)(iii)(III) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(iii)(III)) is amended by adding at the end the following:

''(dd) TRANSMISSION OF INCOME INFORMATION BY SPONSORED FAMILY OR GROUP DAY CARE HOMES.—If a family or group day care home elects to be provided reimbursement factors described in subclause (II), the family or group day care home may assist in the transmission of necessary household income information to the family or group day care home sponsoring organization in accordance with the policy described in item (ee).

''(ee) POLICY.—The Secretary shall develop a policy under which a sponsored family or group day care home described in item (dd) may, under terms and conditions specified by the Secretary and with the written consent of the parents or guardians of a child in a family or group day care home participating in the program, assist in the transmission of the income information of the family to the family or group day care home sponsoring organization.''.

SEC. 334. SIMPLIFYING AND ENHANCING ADMINISTRATIVE PAYMENTS TO SPONSORING ORGANIZATIONS.

Section 17(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)) is amended by striking subparagraph (B) and inserting the following:

''(B) ADMINISTRATIVE FUNDS.—

''(i) IN GENERAL.—In addition to reimbursement factors described in subparagraph (A), a family or group day care home sponsoring organization shall receive reimbursement for the administrative expenses of the sponsoring organization in an amount that is not less than the product obtained each month by multiplying—

''(I) the number of family and group day care homes of the sponsoring organization submitting a claim for reimbursement during the month; by

''(II) the appropriate administrative rate determined by the Secretary.

''(ii) ANNUAL ADJUSTMENT.—The administrative reimbursement levels specified in clause (i) shall be adjusted July 1 of each year to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period for which such data are available.

''(iii) CARRYOVER FUNDS.—The Secretary shall develop procedures under which not more than 10 percent of the amount made available to sponsoring organizations under this section for administrative expenses for a fiscal year may remain available for obligation or expenditure in the succeeding fiscal year.''.

SEC. 335. CHILD AND ADULT CARE FOOD PROGRAM AUDIT FUNDING.

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

''(2) FUNDING.—

''(A) IN GENERAL.—The Secretary shall make available for each fiscal year to each State agency administering the child and adult care food program, for the purpose of conducting audits of participating institutions, an amount of up to 1.5 percent of the funds used by each State in the program under this section, during the second preceding fiscal year.

''(B) ADDITIONAL FUNDING.—

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

''(ii) LIMITATION.—The total amount of funds made available to any State agency under this paragraph shall not exceed 2 percent of the funds used by each State agency in the program under this section, during the second preceding fiscal year.''.

SEC. 336. REDUCING PAPERWORK AND IMPROVING PROGRAM ADMINISTRATION.

(a) DEFINITION OF PROGRAM.—In this section, the term ''program'' means the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(b) ESTABLISHMENT.—The Secretary, in conjunction with States and participating institutions, shall continue to examine the feasibility of reducing unnecessary or duplicative paperwork resulting from regulations and recordkeeping requirements for State agencies, institutions, family and group day care homes, and sponsored centers participating in the program.

(c) DUTIES.—At a minimum, the examination shall include—

(1) review and evaluation of the recommendations, guidance, and regulatory priorities developed and issued to comply with section 119(i) of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1766 note; Public Law 108–265); and

(2) examination of additional paperwork and administrative requirements that have been established since February 23, 2007, that could be reduced or simplified.

(d) ADDITIONAL DUTIES.—The Secretary, in conjunction with States and institutions participating in the program, may also examine any aspect of administration of the program.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the actions that have been taken to carry out this section, including—

(1) actions taken to address administrative and paperwork burdens identified as a result of compliance with section 119(i) of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1766 note; Public Law 108–265);

(2) administrative and paperwork burdens identified as a result of compliance with section 119(i) of that Act for which no regulatory action or policy guidance has been taken;

(3) additional steps that the Secretary is taking or plans to take to address any administrative and paperwork burdens identified under subsection (c)(2) and paragraph (2), including—

(A) new or updated regulations, policy, guidance, or technical assistance; and

(B) a timeframe for the completion of those steps; and

(4) recommendations to Congress for modifications to existing statutory authorities needed to address identified administrative and paperwork burdens.

SEC. 337. STUDY RELATING TO THE CHILD AND ADULT CARE FOOD PROGRAM.

(a) STUDY.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall carry out a study of States participating in an afterschool supper program under the child and adult care food program established under section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)).

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

(1) best practices of States in soliciting sponsors for an afterschool supper program described in subsection (a); and

(2) any Federal or State laws or requirements that may be a barrier to participation in the program.

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

SEC. 351. SHARING OF MATERIALS WITH OTHER PROGRAMS.

Section 17(e)(3) of the Child Nutrition Act (42 U.S.C. 1786(e)(3)) is amended by striking

subparagraph (B) and inserting the following:

''(B) SHARING OF MATERIALS WITH OTHER PROGRAMS.—

''(i) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—The Secretary may provide, in bulk quantity, nutrition education materials (including materials promoting breastfeeding) developed with funds made available for the program authorized under this section to State agencies administering the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) at no cost to that program.

''(ii) CHILD AND ADULT CARE FOOD PROGRAM.—A State agency may allow the local agencies or clinics under the State agency to share nutrition educational materials with institutions participating in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) at no cost to that program, if a written materials sharing agreement exists between the relevant agencies.''.

SEC. 352. WIC PROGRAM MANAGEMENT.

(a) WIC EVALUATION FUNDS.—Section 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5)) is amended by striking ''$5,000,000'' and inserting ''$15,000,000''.

(b) WIC REBATE PAYMENTS.—Section 17(h)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following:

''(K) REPORTING.—Effective beginning October 1, 2011, each State agency shall report rebate payments received from manufacturers in the month in which the payments are received, rather than in the month in which the payments were earned.''.

(c) COST CONTAINMENT MEASURE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended—

(1) in paragraph (8)(A)(iv)(III), by striking ''Any'' and inserting ''Except as provided in paragraph (9)(B)(i)(II), any''; and

(2) by striking paragraph (9) and inserting the following:

''(9) COST CONTAINMENT MEASURE.—

''(A) DEFINITION OF COST CONTAINMENT MEASURE.—In this subsection, the term 'cost containment measure' means a competitive bidding, rebate, direct distribution, or home delivery system implemented by a State agency as described in the approved State plan of operation and administration of the State agency.

''(B) SOLICITATION AND REBATE BILLING REQUIREMENTS.—Any State agency instituting a cost containment measure for any authorized food, including infant formula, shall—

''(i) in the bid solicitation—

''(I) identify the composition of State alliances for the purposes of a cost containment measure; and

''(II) verify that no additional States shall be added to the State alliance between the date of the bid solicitation and the end of the contract;

''(ii) have a system to ensure that rebate invoices under competitive bidding provide a reasonable estimate or an actual count of the number of units sold to participants in the program under this section;

''(iii) open and read aloud all bids at a public proceeding on the day on which the bids are due; and

''(iv) unless otherwise exempted by the Secretary, provide a minimum of 30 days between the publication of the solicitation and the date on which the bids are due.

''(C) STATE ALLIANCES FOR AUTHORIZED FOODS OTHER THAN INFANT FORMULA.—Program requirements relating to the size of State alliances under paragraph (8)(A)(iv) shall apply to cost containment measures established for any authorized food under this section.''.

(d) ELECTRONIC BENEFIT TRANSFER.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (12) and inserting the following:

''(12) ELECTRONIC BENEFIT TRANSFER.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELECTRONIC BENEFIT TRANSFER.—The term 'electronic benefit transfer' means a food delivery system that provides benefits using a card or other access device approved by the Secretary that permits electronic access to program benefits.

''(ii) PROGRAM.—The term 'program' means the special supplemental nutrition program established by this section.

''(B) REQUIREMENTS.—

''(i) IN GENERAL.—Not later than October 1, 2020, each State agency shall be required to implement electronic benefit transfer systems throughout the State, unless the Secretary grants an exemption under subparagraph (C) for a State agency that is facing unusual barriers to implement an electronic benefit transfer system.

''(ii) RESPONSIBILITY.—The State agency shall be responsible for the coordination and management of the electronic benefit transfer system of the agency.

''(C) EXEMPTIONS.—

''(i) IN GENERAL.—To be eligible for an exemption from the statewide implementation requirements of subparagraph (B)(i), a State agency shall demonstrate to the satisfaction of the Secretary 1 or more of the following:

''(I) There are unusual technological barriers to implementation.

''(II) Operational costs are not affordable within the nutrition services and administration grant of the State agency.

''(III) It is in the best interest of the program to grant the exemption.

''(ii) SPECIFIC DATE.—A State agency requesting an exemption under clause (i) shall specify a date by which the State agency anticipates statewide implementation described in subparagraph (B)(i).

''(D) REPORTING.—

''(i) IN GENERAL.—Each State agency shall submit to the Secretary electronic benefit transfer project status reports to demonstrate the progress of the State toward statewide implementation.

''(ii) CONSULTATION.—If a State agency plans to incorporate additional programs in the electronic benefit transfer system of the State, the State agency shall consult with the State agency officials responsible for administering the programs prior to submitting the planning documents to the Secretary for approval.

''(iii) REQUIREMENTS.—At a minimum, a status report submitted under clause (i) shall contain—

''(I) an annual outline of the electronic benefit transfer implementation goals and objectives of the State;

''(II) appropriate updates in accordance with approval requirements for active electronic benefit transfer State agencies; and

''(III) such other information as the Secretary may require.

''(E) IMPOSITION OF COSTS ON VENDORS.—

''(i) COST PROHIBITION.—Except as otherwise provided in this paragraph, the Secretary may not impose, or allow a State agency to impose, the costs of any equipment or system required for electronic benefit transfers on any authorized vendor in order to transact electronic benefit transfers if the vendor equipment or system is used solely to support the program.

''(ii) COST-SHARING.—The Secretary shall establish criteria for cost-sharing by State agencies and vendors of costs associated with any equipment or system that is not solely dedicated to transacting electronic benefit transfers for the program.

''(iii) FEES.—

''(I) IN GENERAL.—A vendor that elects to accept electronic benefit transfers using multifunction equipment shall pay commercial transaction processing costs and fees imposed by a third-party processor that the vendor elects to use to connect to the electronic benefit transfer system of the State.

''(II) INTERCHANGE FEES.—No interchange fees shall apply to electronic benefit transfer transactions under this paragraph.

''(iv) STATEWIDE OPERATIONS.—After completion of statewide expansion of a system for transaction of electronic benefit transfers—

''(I) a State agency may not be required to incur ongoing maintenance costs for vendors using multifunction systems and equipment to support electronic benefit transfers; and

''(II) any retail store in the State that applies for authorization to become a program vendor shall be required to demonstrate the capability to accept program benefits electronically prior to authorization, unless the State agency determines that the vendor is necessary for participant access.

''(F) MINIMUM LANE COVERAGE.—

''(i) IN GENERAL.—The Secretary shall establish minimum lane coverage guidelines for vendor equipment and systems used to support electronic benefit transfers.

''(ii) PROVISION OF EQUIPMENT.—If a vendor does not elect to accept electronic benefit transfers using its own multifunction equipment, the State agency shall provide such equipment as is necessary to solely support the program to meet the established minimum lane coverage guidelines.

''(G) TECHNICAL STANDARDS.—The Secretary shall—

''(i) establish technical standards and operating rules for electronic benefit transfer systems; and

''(ii) require each State agency, contractor, and authorized vendor participating in the program to demonstrate compliance with the technical standards and operating rules.''.

(e) UNIVERSAL PRODUCT CODES DATABASE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (13) and inserting the following:

''(13) UNIVERSAL PRODUCT CODES DATABASE.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary shall establish a national universal product code database to be used by all State agencies in carrying out the requirements of paragraph (12).

''(B) FUNDING.—

''(i) IN GENERAL.—On October 1, 2010, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this paragraph $1,000,000, to remain available until expended.

''(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

''(iii) USE OF FUNDS.—The Secretary shall use the funds provided under clause (i) for development, hosting, hardware and software configuration, and support of the database required under subparagraph (A).''.

(f) TEMPORARY SPENDING AUTHORITY.—Section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)) is amended by adding at the end the following:

''(8) TEMPORARY SPENDING AUTHORITY.—During each of fiscal years 2012 and 2013, the Secretary may authorize a State agency to

expend more than the amount otherwise authorized under paragraph (3)(C) for expenses incurred under this section for supplemental foods during the preceding fiscal year, if the Secretary determines that—

''(A) there has been a significant reduction in reported infant formula cost containment savings for the preceding fiscal year due to the implementation of subsection (h)(8)(K); and

''(B) the reduction would affect the ability of the State agency to serve all eligible participants.''.

Subtitle E—Miscellaneous

SEC. 361. FULL USE OF FEDERAL FUNDS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (b) and inserting the following:

''(b) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall incorporate, in the agreement of the Secretary with the State agencies administering programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the express requirements with respect to the operation of the programs to the extent applicable and such other provisions as in the opinion of the Secretary are reasonably necessary or appropriate to effectuate the purposes of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(2) EXPECTATIONS FOR USE OF FUNDS.—Agreements described in paragraph (1) shall include a provision that—

''(A) supports full use of Federal funds provided to State agencies for the administration of programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

''(B) excludes the Federal funds from State budget restrictions or limitations including, at a minimum—

''(i) hiring freezes;

''(ii) work furloughs; and

''(iii) travel restrictions.''.

SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND INDIVIDUALS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 206) is amended by adding at the end the following:

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

TITLE IV—MISCELLANEOUS

Subtitle A—Reauthorization of Expiring Provisions

PART I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

SEC. 401. COMMODITY SUPPORT.

Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2020''.

SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.

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

(1) in paragraph (3), by striking ''2006 through 2010'' and inserting ''2011 through 2015''; and

(2) in paragraph (4), by striking ''2006 through 2010'' and inserting ''2011 through 2015''.

SEC. 403. PROCUREMENT TRAINING.

Section 12(m)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(m)(4)) is amended by striking ''2005 through 2009'' and inserting ''2010 through 2015''.

SEC. 404. AUTHORIZATION OF THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Subsection (r) of section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) (as redesignated by section 322(1)) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2015''.

SEC. 405. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.

Subsection (i)(5) of section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as redesignated by section 243(1)) is amended by striking ''2005 through 2010'' and inserting ''2011 through 2015''.

SEC. 406. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(e)) is amended—

(1) by striking ''(e) AUTHORIZATION OF APPROPRIATIONS'' and all that follows through the end of paragraph (2)(A) and inserting the following:

''(e) FOOD SERVICE MANAGEMENT INSTITUTE.—

''(1) FUNDING.—

''(A) IN GENERAL.—In addition to any amounts otherwise made available for fiscal year 2011, on October 1, 2010, and each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out subsection (a)(2) $5,000,000, to remain available until expended.

''(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsection (a)(2) the funds transferred under subparagraph (A), without further appropriation.'';

(2) by redesignating subparagraphs (B) and (C) as paragraphs (2) and (3), respectively, and indenting appropriately;

(3) in paragraph (2) (as so redesignated), by striking ''subparagraph (A)'' each place it appears and inserting ''paragraph (1)''; and

(4) in paragraph (3) (as so redesignated), by striking ''subparagraphs (A) and (B)'' and inserting ''paragraphs (1) and (2)''.

SEC. 407. FEDERAL ADMINISTRATIVE SUPPORT.

Section 21(g)(1)(A)) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(g)(1)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause(ii), by striking the period at the end and inserting ''; and''

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

''(iii) on October 1, 2010, and every October 1 thereafter, $4,000,000.''.

SEC. 408. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking ''$6,000,000 for each of fiscal years 2004 through 2009'' and inserting ''$10,000,000 for each of fiscal years 2011 through 2015''.

SEC. 409. INFORMATION CLEARINGHOUSE.

Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking ''2005 through 2010'' and inserting ''2010 through 2015''.

PART II—CHILD NUTRITION ACT OF 1966

SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.

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

SEC. 422. STATE ADMINISTRATIVE EXPENSES.

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

SEC. 423. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17(g)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking ''each of fiscal years 2004 through 2009'' and inserting ''each of fiscal years 2010 through 2015''.

SEC. 424. FARMERS MARKET NUTRITION PROGRAM.

Section 17(m)(9) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)) is amended by striking subparagraph (A) and inserting the following:

''(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2010 through 2015.''.

Subtitle B—Technical Amendments

SEC. 441. TECHNICAL AMENDMENTS.

(a) RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT.—

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

(A) by striking ''(f)'' and all that follows through the end of paragraph (1) and inserting the following:

''(f) NUTRITIONAL REQUIREMENTS.—

''(1) IN GENERAL.—Schools that are participating in the school lunch program or school breakfast program shall serve lunches and breakfasts that—

''(A) are consistent with the goals of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

''(B) consider the nutrient needs of children who may be at risk for inadequate food intake and food insecurity.'';

(B) by striking paragraph (2); and

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

(2) ROUNDING RULES FOR COMPUTATION OF ADJUSTMENT.—Section 11(a)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)) is amended by striking ''ROUNDING.—'' and all that follows through ''On July'' in subclause (II) and inserting ''ROUNDING.—On July''.

(3) INFORMATION AND ASSISTANCE CONCERNING REIMBURSEMENT OPTIONS.—Section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) is amended by striking subsection (f).

(4) 1995 REGULATIONS TO IMPLEMENT DIETARY GUIDELINES.—Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (k).

(5) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—

(A) IN GENERAL.—Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended by striking the section heading and all that follows through the end of subsection (a)(1) and inserting the following:

''SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

''(a) IN GENERAL.—

''(1) DEFINITIONS.—In this section:

''(A) AREA IN WHICH POOR ECONOMIC CONDITIONS EXIST.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'area in which poor economic conditions exist', as the term relates to an area in

which a program food service site is located, means—

''(I) the attendance area of a school in which at least 50 percent of the enrolled children have been determined eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(II) a geographic area, as defined by the Secretary based on the most recent census data available, in which at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(III) an area—

''(aa) for which the program food service site documents the eligibility of enrolled children through the collection of income eligibility statements from the families of enrolled children or other means; and

''(bb) at least 50 percent of the children enrolled at the program food service site meet the income standards for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

''(IV) a geographic area, as defined by the Secretary based on information provided from a department of welfare or zoning commission, in which at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

''(V) an area for which the program food service site demonstrates through other means approved by the Secretary that at least 50 percent of the children enrolled at the program food service site are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(ii) DURATION OF DETERMINATION.—A determination that an area is an 'area in which poor economic conditions exist' under clause (i) shall be in effect for—

''(I) in the case of an area described in clause (i)(I), 5 years;

''(II) in the case of an area described in clause (i)(II), until more recent census data are available;

''(III) in the case of an area described in clause (i)(III), 1 year; and

''(IV) in the case of an area described in subclause (IV) or (V) of clause (i), a period of time to be determined by the Secretary, but not less than 1 year.

''(B) CHILDREN.—The term 'children' means—

''(i) individuals who are 18 years of age and under; and

''(ii) individuals who are older than 18 years of age who are—

''(I) determined by a State educational agency or a local public educational agency of a State, in accordance with regulations promulgated by the Secretary, to have a disability, and

''(II) participating in a public or nonprofit private school program established for individuals who have a disability.

''(C) PROGRAM.—The term 'program' means the summer food service program for children authorized by this section.

''(D) SERVICE INSTITUTION.—The term 'service institution' means a public or private nonprofit school food authority, local, municipal, or county government, public or private nonprofit higher education institution participating in the National Youth Sports Program, or residential public or private nonprofit summer camp, that develops special summer or school vacation programs providing food service similar to food service made available to children during the school year under the school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(E) STATE.—The term 'State' means—

''(i) each of the several States of the United States;

''(ii) the District of Columbia;

''(iii) the Commonwealth of Puerto Rico;

''(iv) Guam;

''(v) American Samoa;

''(vi) the Commonwealth of the Northern Mariana Islands; and

''(vii) the United States Virgin Islands.''.

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

(i) in paragraph (2)—

(I) by striking ''(2) To the maximum extent feasible,'' and inserting the following:

''(2) PROGRAM AUTHORIZATION.—

''(A) IN GENERAL.—The Secretary may carry out a program to assist States, through grants-in-aid and other means, to initiate and maintain nonprofit summer food service programs for children in service institutions.

''(B) PREPARATION OF FOOD.—

''(i) IN GENERAL.—To the maximum extent feasible,''; and

(II) by striking ''The Secretary shall'' and inserting the following:

''(ii) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall'';

(ii) in paragraph (3)—

(I) by striking ''(3) Eligible service institutions'' and inserting the following:

''(3) ELIGIBLE SERVICE INSTITUTIONS.—Eligible service institutions''; and

(II) by indenting subparagraphs (A) through (D) appropriately;

(iii) in paragraph (4)—

(I) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(II) by striking ''(4) The following'' and inserting the following:

''(4) PRIORITY.—

''(A) IN GENERAL.—The following''; and

(III) by striking ''The Secretary and the States'' and inserting the following:

''(B) RURAL AREAS.—The Secretary and the States'';

(iv) by striking ''(5) Camps'' and inserting the following:

''(5) CAMPS.—Camps''; and

(v) by striking ''(6) Service institutions'' and inserting the following:

''(6) GOVERNMENT INSTITUTIONS.—Service institutions''.

(6) REPORT ON IMPACT OF PROCEDURES TO SECURE STATE SCHOOL INPUT ON COMMODITY SELECTION.—Section 14(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(d)) is amended by striking the matter that follows paragraph (5).

(7) RURAL AREA DAY CARE HOME PILOT PROGRAM.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by striking subsection (p).

(8) CHILD AND ADULT CARE FOOD PROGRAM TRAINING AND TECHNICAL ASSISTANCE.—Section 17(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(q)) is amended by striking paragraph (3).

(9) PILOT PROJECT FOR PRIVATE NONPROFIT STATE AGENCIES.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (a).

(10) MEAL COUNTING AND APPLICATION PILOT PROGRAMS.—Section 18(c) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(c)) is amended—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as so redesignated), by striking ''In addition to the pilot projects described in this subsection, the Secretary may conduct other'' and inserting ''The Secretary may conduct''.

(11) MILK FORTIFICATION PILOT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (d).

(12) FREE BREAKFAST PILOT PROJECT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (e).

(13) SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (f).

(14) ACCOMMODATION OF THE SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.—Section 27 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769h) is repealed.

(b) CHILD NUTRITION ACT OF 1966.—

(1) STATE ADMINISTRATIVE EXPENSES MINIMUM LEVELS FOR 2005 THROUGH 2007.—Section 7(a)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(1)) is amended—

(A) in subparagraph (A), by striking ''Except as provided in subparagraph (B), each fiscal year'' and inserting ''Each fiscal year'';

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

(2) FRUIT AND VEGETABLE GRANTS UNDER THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(f)(11) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11)) is amended—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (C).

SEC. 442. USE OF UNSPENT FUTURE FUNDS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

Section 101(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period at the end '', if the value of the benefits and block grants would be greater under that calculation than in the absence of this subsection''; and

(2) by striking paragraph (2) and inserting the following:

''(2) TERMINATION.—The authority provided by this subsection shall terminate after October 31, 2013.''.

SEC. 443. EQUIPMENT ASSISTANCE TECHNICAL CORRECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, school food authorities that received a grant for equipment assistance under the grant program carried out under the heading ''FOOD AND NUTRITION SERVICE CHILD NUTRITION PROGRAMS'' in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 119) shall be eligible to receive a grant under section 749(j) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2134).

(b) USE OF GRANT.—A school food authority receiving a grant for equipment assistance described in subsection (a) may use the grant only to make equipment available to schools that did not previously receive equipment from a grant under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

SEC. 444. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in

the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 445. EFFECTIVE DATE.

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

The SPEAKER pro tempore. Pursuant to House Resolution 1742, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, today I rise for our Nation's children, for the poorest children in our country who are hungry and malnourished. I rise because children need our help. Child nutrition is not a political issue. It's not a partisan issue. It's a question of what's a moral thing to do for our children. It's about being on the right side of history and ensuring a healthy and productive future for our country. Our children will make and determine our future, and that is what is at stake.

In a country as great as ours, no child should go hungry, but, in fact, millions of children do go hungry at various times throughout the year and very often throughout the day. And the fact of the matter is we cannot afford to let that continue.

At the same time we are in the middle of this crisis of food insecurity, it's called, better known as hunger. We also face the public problem of obesity. And what we understand and what we know is that our schools, through the school nutrition programs and other programs that serve nutritional meals to children, are an opportunity to educate them about eating better, eating healthier. This legislation addresses those concerns because it provides the resources necessary so that we can improve the meal selection for our children in the various feeding programs.

It's very important for us because it also provides for increased transparency of the program, for increased efficiency of the program, for increased simplicity of the program both for parents who are enrolling their children, for school districts who are enrolling and accountable for those children and for those meals. Those combinations of accountability and transparency for healthier meals should be a goal and is the goal, in fact, of this Congress and of this Nation.

It also provides accountability within the legislation, and it also provides the means by which we can assure that we will have healthy foods during the school day for the children and in other educational settings and care settings for these children so that we can also address the problems of childhood obesity.

We have had hearings in our committee where we have had experts from various scientific organizations and health organizations, that we now have very young children presenting with adult diseases and illnesses. We spend some $140, $150 billion on the excess costs of obesity, much of which starts with children, with their diet.

That's what this legislation is really about, is making sure that we can, in fact, provide for a healthier school-age population, a smarter school-age population about the foods that they choose, a better meal program for them, and increased simplicity and transparency and accountability for those who administer the program.

With that, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I rise in opposition to S. 3307, and I yield myself such time as I may consume.

The American people have spoken, and they continue to speak loud and clear. I have been listening, and I know what I have been hearing in the Second District of Minnesota is being repeated from coast to coast: Stop growing government. The people are telling us, Stop spending money we do not have. It's a simple request and a sensible one, yet it continues to be ignored.

Today's vote will be among our final acts as we move through the few remaining days of the 111th Congress. As we cast those votes, we have a choice to make. Will we continue spending more and increasing the role of government in Americans' lives, or will we listen to the people and begin to step on the brakes?

Each of us must make that choice as we cast our votes on the bill before us. Everyone recognizes the importance of extending child nutrition programs, but extending these programs does not mean expanding them. We could extend these programs and improve them with no added cost to taxpayers. We could listen to our constituents and do right by our children.

In fact, my Republican colleagues and I tried to do precisely that, but the Democrats on the Rules Committee denied us the opportunity to offer such an option on the floor today. Instead, this bill spends another $4.5 billion on various programs and initiatives and creates or expands 17 separate Federal programs. It imposes a tax on the middle class by empowering the U.S. Secretary of Agriculture to require schools to increase—that's right—require schools to increase the price they charge families for school meals.

This is a dangerous foray into Federal price controls, and it's one of many concerns outlined by the National Governors Association and leading school groups. In fact, the school leaders who would be responsible for implementing these new requirements have urged us to vote ''no'' on S. 3307 because of its higher cost for local districts and its rigid mandates.

□ 1330

Earlier this month, the American Association of School Administrators, the Council of the Great City Schools, and the National School Boards Association told us, ''All of the national organizations representing the Nation's public school districts do not support the Senate version of the Child Nutrition reauthorization bill pending before the House.'' This is a strong statement that should leave every Member questioning the wisdom of imposing these added costs and mandates on our school systems.

In fact, the cost of this proposal has been a sticking point throughout the process. The majority claims this bill is paid for. They want us to believe we can grow government with no cost or consequences. But the American people know that's just not true. More spending is more spending whether or not those dollars are offset elsewhere in the massive Federal budget. But one offset in this bill is particularly questionable.

The truth is, at least some portion of the billions the new program costs is deficit spending. This money was borrowed from our children and grandchildren in 2009 when it was put in the stimulus; that borrowed money is simply being redirected today. It was borrowed then; it is borrowed now.

This bill, with its so so-called pay-for, is merely a stalling tactic. It obscures government expansion in the short term so this bill can become law and its spending can become permanent. So here we stand, playing a shell game with the Federal budget and hoping the American people do not notice that government continues to grow, spending continues to expand, and our children continue to fall deeper and deeper into debt.

Mr. Speaker, I support extending and improving child nutrition programs. I believe we can do so in a bipartisan way, but that opportunity is lost with this bill, and so I must oppose it.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds. First of all, it's very clear in this legislation that it does not require school districts to raise any meal prices. In fact, in the best sense of local control, it lets school districts decide and determine how they will ensure that there's adequate revenue to support the paid meal program. We should not have the Federal taxpayers underwriting the support of meals for those who can afford it as is required by the law. This bill passed unanimously from the United States Senate. It passed unanimously because they knew that it is paid for.

I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Speaker, I rise in support of S. 3307 which passed, by the way, by unanimous consent out of the Senate. And I support it because it is our responsibility in this wealthy Nation, the United States of America, to make certain that all children, regardless of family income, have nutritious

food so that they will thrive in school and in life and because we know that a hungry child cannot learn and poor nutrition costs our Nation far more over time than investing in good nutrition now.

Mr. Speaker, I'm proud to be the author of two provisions of this bill. One will update, for the first time in 30 years, the nutritional standards for foods sold in vending machines, a la carte lines and school snack bars. The other creates a pilot program for schools to offer organic foods.

We know that child nutrition is at the heart of our social safety net and the safety of all of our children. And these programs have been overwhelmingly successful, and they have been cost effective. It's essential that we reauthorize them and that the administration work with us to fulfill their commitment to backfill any food stamp funding after 2013.

I urge all of my colleagues, Mr. Speaker, to vote ''yes'' on S. 3307.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume here to address this issue of a floor on school lunch prices that can be imposed. I have got a couple of quotes here I would like to read. One is from the bill and one is from the letter from the Governors Association where there's a paragraph that says, ''Federally mandated paid meal price. The bill would establish a Federal mandate for every paid meal in every school in the country for the first time ever. Governors join with the school community to strongly oppose this Federal mandate. The provision will dramatically destabilize fair market pricing of school meals'' and so forth.

And they get that from the language of the bill itself. In section 205, it says: ''Lower price, in general, in the case of a school food authority that established a price for a paid lunch in the previous school year that was less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the price charged in the previous school year.''

So the Federal Government is coming in and saying, you can't charge any less; you cannot lower the price of your paid school lunch unless its meets our requirements. It is, in fact, saying that you can't lower the price of food even if you would like to do so. It doesn't meet this requirement.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from New York, CAROLYN MCCARTHY, the subcommittee chair on this.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. I want to also thank Chairman MILLER for his leadership on this issue. I also want to thank all of our staff who have worked so hard on this bill. Finally, I would like to thank the nutrition and anti-hunger groups who have helped raise the awareness of this very important issue, including those in my district.

In the Healthy Families and Communities Subcommittee, which I chair, we have worked hard over the last two Congresses on how we should address many of the important issues through child nutrition reauthorization, including how we can reduce childhood obesity. I'm proud that this bill contains provisions from bills which I have introduced, which will promote nutrition and wellness in child care settings and support breastfeeding for low-income women.

As a nurse for over 30 years, I have seen firsthand the risks and illnesses that can result from obesity. Childhood obesity, diabetes, and heart disease are all on the rise in the United States. And one of the best tools we have to combat these illnesses is our ability to apply wholesome and healthy nutrition to children in our schools. Childhood obesity is found in all 50 States, in both young children and adolescents. It affects all social and economic levels.

There is no silver bullet to solve childhood obesity. However, the School Breakfast and Lunch programs can make a great impact because they may provide more than 50 percent of a student's food and nutrient intake on school days.

Given the current harsh financial realities for many families in my district and throughout the Nation, schools have an increasingly important role to play in providing children with nutritious food during their days. We also know how critical it is to reach children as soon as possible. While the bill doesn't include everything our House-passed bill contained, it is a strong, commonsense, and hopefully bipartisan effort to improve access to healthy food to all children.

I urge my colleagues to vote ''yes'' on this bill.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I'm a medical doctor, and I have spent almost four decades of practicing medicine concerned about child nutrition and about the health of my patients. Doctors do that as family practitioners and pediatricians all over this country, all over the world.

But this act is not about child nutrition. It's not about healthy kids. It's really about an expansion of the Federal Government. And it's an interference in the school system, so much so that the American Association of School Administrators, the Council of Great City Schools, and the National School Boards Association all oppose this act.

This is not about child nutrition. This is about more government control. This is not about healthy children. It's about borrowing more money and putting our children in greater debt. It's not about creating a better environment for children in the schools. It's about more and more control from Washington, DC.

And we have just got to stop that. The American people are acting very strongly against the agenda that this Congress and this President has shown them in the last 2 years. We saw that on November 2.

□ 1340

We have got to stop the spending. This is a $4.5 billion bill, and the pay-for that our colleagues on the other side of the aisle have put into place is a farce. It's a lie, and it is borrowing more from our children. This kind of idiocy has to stop. It includes a lot of Federal mandates. It is going to be extremely costly.

And it does things such as create new programs like an organic food plot. Now, I eat organic food. I like the taste of free range chicken and free range beef and organic foods, but we don't need the Federal Government to promote this kind of stuff. It's crazy.

It also spends taxpayer dollars to federalize nutrition standards. I am one who believes in proper nutrition. I have talked to my patients for years and years about proper nutrition, eating properly, taking care of their diabetes and their hypertension and their hyperlipidemias and things like that through nutritional means above even prescribing medication. But the Federal Government has no business setting nutritional standards and telling families what they should and shouldn't eat.

This bill contains a lot of hidden costs, hidden costs that are going to wind up being billions of dollars of more Federal spending. And it contains mandates on the States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KLINE of Minnesota. I yield the gentleman an additional minute.

Mr. BROUN of Georgia. It does give extra mandates on the States, and the States are already overburdened and suffering financially.

Republicans have an alternative to support child nutrition without growing government, but we are not able to bring those things to the floor. Hopefully in the next Congress, we will be able to. We are extremely concerned about the nutrition of our children, and of adults. I, as a physician, have been spending most of my adult life talking about nutrition and health, but this bill is not that. This bill is a nutrition bill for a bigger government, greater spending, and it must stop. I encourage my colleagues to vote against this bill. It is disastrous.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the chairman, and I thank Congresswoman MCCARTHY, Chairwoman

DELAURO, Congressman JIM MCGOVERN, all for their leadership in bringing this important legislation to the floor today. I especially want to acknowledge the exceptional leadership of First Lady Michelle Obama for recognizing a tremendous need in our country for proper nutrition for our children, children who have issues of having the proper nutrition, having issues about being susceptible to diabetes. So many members of our caucus in this Congress have participated in this legislation, in this House, Congresswoman BARBARA LEE, the chair of the Congressional Black Caucus, as have other Members; Leader HOYER. We all come together with a shared value, and we come together proudly to support a bill that passed unanimously, with bipartisan support, passed unanimously in the United States Senate. I congratulate the Senate for the action that they took to give us an opportunity to be here today.

When I became Speaker, my first action was to gavel the House to order on behalf of all of America's children. I feel very proud that toward the end of this Congress, I have an opportunity to come to speak for those children as well. I come as a mother and as a grandmother. I come as one whose children and grandchildren every day pray for the one in five children in America who lives in poverty. Many of those children go to sleep hungry at night. How could that be in this, the greatest country in the world.

This Congress, the United States Senate in a bipartisan way, the First Lady and the President of the United States have decided to take action upon the tremendous need our children have. We all know that this legislation is important for moral reasons. It is also a competitiveness issue for our country. It is important for children to learn in order for us to compete internationally. They can't learn if they are not eating, if they don't have the proper nutrition. So it is not just about what it means to the children, although that is foremost. It is what it means to our country, our community, to our economy.

It is a national security issue as well. Just a little bit of history that many of you are familiar with, but I will recall, in order to create the strongest possible military, we must address obesity among America's children. A little history, the National School Lunch Act was made law in 1946 as a response to the alarming number of Americans who were rejected from World War II military service because of diet-related health problems. That is how we got food stamps and many of the food initiatives in our country. More than 60 years later, America faces the same problem: 27 percent of young Americans are unable to serve in the military because they are overweight. That is why Mission Readiness, an organization of more than 150 retired military leaders, is urging Congress to pass this bill.

The faith-based community supports it. The children's organizations support it. Those who are concerned about nutrition and feeding our children support it. The military supports this legislation. It will strengthen our competitiveness, it will improve our military readiness, and it will honor our commitment to our children. And it does so in a fiscally responsible way, improving the efficiency and the effectiveness of Federal child nutrition initiatives and ultimately saving the taxpayer money.

The United States of America spends $147 billion each year in excess medical costs treating obesity-related diseases. Indeed, we cannot afford not to address this problem. We must address this problem. Again, I commend my colleagues for their leadership over the years. I know that Congressman GEORGE MILLER, now chairman of the Education and Labor Committee, but way back when, before he came to Congress, decades ago as a staffer in Sacramento, California, worked on child nutrition issues. So he brings a long history and great commitment in making a tremendous difference for children and their health.

Again, let us address this moral issue, this competitiveness issue, this national security issue. Let us join the United States Senate in passing this legislation with strong bipartisan support for all of America's children.

Mr. KLINE of Minnesota. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, the Senate unanimously passed this bill. Unanimously. I think I understand why, because they understood what I hope we understand today is the choice that is in front of the country. You can understand that choice by thinking about where two Americans are at this moment.

One of them is a second grader who just went through her paces and classes for the morning. It's now time for lunch. This bill says no matter how much money her mother and father make, she is going to get a nutritious, wholesome meal to fuel her for the rest of the day. And, yes, that is going to cost $4 billion, which is offset by cuts in other areas of the budget.

The second American is the leader of a huge hedge fund on Wall Street. He is on his way to lunch at the priciest restaurant in Manhattan, maybe a $200 or $300 lunch. One of the other issues before the Congress this week is whether he should get a tax cut that over the years will cost a dollar for every penny that this bill costs. These are the two Americans whose considerations are before the House today.

□ 1350

I don't begrudge the hedge fund manager for the wealth he's accumulated, the jobs he's created. I don't think we should borrow money from the Chinese to lower his taxes; but I think, as the unanimous consent of the Senate thought, that that second grader should get a wholesome, healthy school lunch, and we should vote ''yes.''

Mr. KLINE of Minnesota. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. I yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding. I want to congratulate the chairman, as the Speaker did, for a lifetime of dedication to children, to education, and to health care. He has been a giant in all three of those activities and, in fact, understands the relationship between all those activities.

I also want to thank the ranking member for his work. I know that he's not for this bill, so we have a difference there; but I do not believe, as the previous speaker said on his side of the aisle, that he's not also for making sure that children have the proper nutrition and grow up healthy. We have a different perspective on how to get there.

The Centers for Disease Control tell us that over the past three decades childhood obesity rates have tripled. Nearly one out of every five American children between the ages of 6 and 19 is obese. That is a national crisis. That is a national security crisis. That is a crisis that we owe morally, ethically, fiscally, and as a national policy to address. That doesn't just mean a lifetime of health problems for those children. It means a public health crisis that we all pay for.

One of my favorite phrases is, Life is a series of alternatives, series of choices, but they're not free choices. Ted Agnew was elected Governor of the State of Maryland at the same time I was elected to the Maryland State Senate, and he gave a speech on the east front of the capitol of our State in Annapolis. One of the phrases in that speech has stuck with me since January of 1967. He said, The cost of failure far exceeds the price of progress. I want you to think about that: the cost of failure far exceeds the cost of progress.

The cost of unhealthy children is far greater than keeping those children healthy, to facilitating their not only nutritional but health needs. We pay for the failure to do so in the billions of dollars in health care costs each year, and we even pay for it in military readiness, with at least 9 million young adults, think about it, 9 million young adults in America who are too overweight to serve in our Armed Forces, nine million, according to a coalition of retired senior military leaders.

So, again, a health issue but a national security issue as well.

We can't reverse the obesity epidemic or solve child hunger overnight. We recognize that. But we can take an important step towards getting our

children healthier food by passing this particular piece of legislation.

And as has been pointed out time after time, this bill was passed unanimously in the other body. That means that this is not a partisan bill. This is not a bill on which there was great disagreement, and we know in the United States Senate there are people who are very concerned about the budget deficit, very concerned about growth of government, very concerned about many of the things that were expressed on this floor. They unanimously said this is a priority for our country and we're going to pass it.

This legislation takes important steps to increase access to school meal programs, improve the standards of the food provided and sold to our children, and strengthen accountability to produce healthier results for our children.

Among the bill's most important provisions, it increases reimbursements for school meal programs so that the food offered can meet today's health standards, not outdated standards. We've learned a lot in the last 15 to 20 years. We understand better what creates healthy children, is helpful or is not, food that may taste good but leads to obesity.

Now, we all have the opportunity to purchase that. I'm a big McDonald's eater myself. I understand that luckily whatever metabolism I have seems to work with respect to my ingesting all of those McDonald's hamburgers and french fries. I love them and I don't want to be told I can't have them. But I do know this: I have a great-granddaughter who's 4 years of age. She's going to be in school pretty soon. I want to make sure the food she gets in school, whether she buys it or it's provided for her because she can't afford it—luckily our family will be able to afford it—is food that will enhance her health, her well-being, her growth, her intellectual abilities because she will feel well.

This is a critically important piece of legislation that so many Members of the Senate and the House have worked so hard on. The bill also helps schools create and expand breakfast programs because nutritious breakfasts have been shown to correlate strongly with improved academic outcomes.

George Bush I was a big proponent of Head Start. One of the reasons he was a big supporter of Head Start is because he thought it worked. He thought it worked to make sure that young people have opportunities. One of those, of course, is having a breakfast so that when they're in a classroom they're not agonized about hunger. They're focused on learning.

When families face food insecurity and when schools do too little to pick up the slack, we are condemning children to higher chances of poor performance in school and poor health throughout life. This bill will also provide grants and outreach to increase participation in summer food service programs so that children can eat healthier food year-round.

I learned about the importance of those programs firsthand. I'm sure many of you have done the same on both sides of the aisle. You have visited programs in your communities that provide children with healthy meals. I was in La Plata, Maryland, a few months ago, and I saw the direct benefit to those children of the program that was available to them there.

Finally, this bill would continue school districts' role in creating local nutrition and physical activity programs, but it will also ensure follow-up to see these programs are implemented and that they meet their goals.

The health of our children has a distinct and direct impact on all of us, and all of us care about that. It's not a partisan issue. Every Republican, every Democrat cares about the health of our children. But caring is not enough. We need to act as well. Saying that we care, as the Bible tells, faith without works is dead. It's nice to say you have faith, but if you don't follow that with action, that's somewhat empty.

This is an opportunity to act. This is an opportunity to not only say that we care about children and their health and their nutrition and their welfare but it is an opportunity to act and make it so. Let us do that.

I congratulate all of those who have worked so hard to bring this bill to the floor, and I urge its adoption.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from east Tennessee, Dr. ROE.

Mr. ROE of Tennessee. Mr. Speaker, I rise in opposition to this legislation.

You will be hard pressed to find many Members on either side of the aisle who oppose childhood nutrition programs. No child, no child, should have to go hungry. That's something all of us agree on.

This bill, however, represents everything that's wrong with Congress right now. First, we've done virtually no committee consideration of this legislation. Of other legislation, yes, but not this legislation we are going to vote on today. The Education and Labor Committee marked up an entirely different bill. Many Republicans offered amendments in committee; and like so many other bills in NANCY PELOSI's Congress, no amendments were permitted on the floor today, none.

Second, this bill spends even more. What the American people have been saying all year to us is to stop spending money we don't have. They want us to look for savings within existing programs. If there are worthy improvements to be made, we can use those savings to make these programs better, but you can't get out of a ditch if you keep digging yourself deeper into it, and our fiscal situation is the Grand Canyon of all ditches.

□ 1400

Now, I'm sure we're going to hear all about how this spending is ''paid for'' with spending cuts. While that's an improvement over paying for bills with tax increases, the fact is many on the other side of the aisle and a host of groups are already insisting that the cuts be made here today to the food stamp program, or SNAP, as it's now called, will be restored. How dishonest is it to say a bill is paid for with spending cuts that we have no intention of keeping in place?

If we defeat this legislation today, we can come back and start considering each new program today on its own merits. There may be some improvements to the program which I would vote for—and I'm sure there are—and I would be happy to work with colleagues on both sides of the aisle on this program after we have had a chance to carefully review it; but until then, let's keep the existing program in place.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to a member of the committee, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the chairman.

Mr. Speaker, this important bill will increase the number of children enrolled in school meals programs, and it will provide more meals for at-risk children nationwide; it will improve the quality of school meals; it removes junk food from the schools; it provides nutrition and wellness for the students, and it increases the reimbursement rate for schools. This is too important to delay another day.

I want to thank Chairman MILLER for including in the bill language that I wrote on Farm to School improvements, which will provide tens of millions of dollars in mandatory funding for fresh vegetables.

Now, since I come from New Jersey, it may not be a surprise that I support bringing Jersey tomatoes and sweet corn into the schools, but this has real nutritional benefits and educational benefits as well as improving the economics of local farmers. Of course, it will also help, as we've heard, fight childhood obesity.

It is important to point out—and I must emphasize this to my colleague who just spoke—that this is paid for fully by cuts in other programs, and I pledge to restore any funds borrowed from future years of food stamp funding to cover this.

Mr. Speaker, I rise today in support of the Healthy, Hunger-Free Kids Act of 2010 (S. 3307), which will reauthorize important child nutrition programs and raise the nutritional standards for food served to our school children in a variety of ways.

The number of obese children in the United States has tripled in the last 30 years. The Centers for Disease Control and Prevention (CDC) found that as of 2008 almost 32 percent of our children were either overweight or obese. Obesity leaves children at risk of developing adult diseases such as hypertension and Type–2 diabetes, and at increased risk of developing heart disease and suffering from strokes and cancer. A study by Mission: Readiness, an organization of retired senior military

leaders, found that more than 9 million young adults are too overweight to join the Armed Services.

In a strange paradox, while childhood obesity has reached epidemic levels in the United States, so too has childhood hunger. As of 2008, more than 49 million people in the United States were living in food insecure households, and more than 16 million of those were children. That's more than 22 percent of all children living in America. Making matters worse, more than 17 million people were living in households that were considered to have ''very low food security,'' a USDA term meaning one or more people in the household were hungry over the course of the year because of the inability to afford enough food. In 2008, the number of people suffering from ''very low food security'' was double the number in that category in 2000.

We are long overdue in taking decisive action to combat these problems, and I am pleased that we are taking an important step today. The Healthy, Hunger-Free Kids Act includes many provisions to combat childhood hunger. The bill increases the number of children funded in the school meal program by using existing data to directly certify eligible children. In addition, it provides funds to states to establish and expand school breakfast programs in communities with high levels of children living in poverty. It would also expand the availability of summer food service programs so more children have access to nutritious meals year round. To help reduce hunger outside of school, the bill would allow Child and Adult Care Food Program providers nationwide to be reimbursed for providing a meal to at-risk children after school. Altogether, the hunger-prevention provisions in the bill would provide more than 21 million additional meals to at-risk children.

The legislation would also combat obesity by making the food served at school healthier and more nutritious. It requires that all food served at school meet updated standards that reflect recommendations made by the Food and Nutrition Board of the National Academy of Sciences National Research Council, This will finally remove junk food from schools and ensure that the only meal some children get each day is nutritious. Further, the legislation increases the reimbursement rate for schools that comply with these new nutrition standards. This represents the first increase in reimbursement rates in 30 years. The bill also requires schools participating in the school lunch program to offer drinking water in the location where meals are served, while they are being served, and to establish school wellness policies.

I am particularly pleased that my legislation, the Farm to School Improvements Act, is included in the Healthy, Hunger-Free Kids Act. The farm to school provisions in the bill establish a program through which schools, agricultural producers, nonprofit organizations, agencies and Indian Tribes can obtain competitive matching grants to increase the use of locally-supplied foods in schools participating in the school lunch or breakfast programs. Priority in awarding the grants goes to projects that, among other things, make local food products available on the school menu, serve a high proportion of children who are eligible for free or reduced price lunches, and incorporate experiential nutrition education activities such as farming and growing school gardens in curriculum planning. The bill provides $40 million in mandatory finding over 8 years to support farm to school programs.

When he testified in July at the hearing on this legislation in the House Committee on Education and Labor, U.S. Secretary of Agriculture Tom Vilsack said that we cannot ''delay the connection between the farm and school.'' It is a crucial link between children and their food supply. Similarly, Beth Feehan, Director of the New Jersey Farm to School Network said ''[w]e can't be penny wise and a pound foolish with this one. What we feed children will determine their health as adults—how well they learn and perform in all areas of their lives. . . . When our military states that [it] cannot command enough recruits due to the increase in obesity in the eligible population who can serve, it is time to take a serious look at what we are feeding children and make improvements now.'' I am pleased that we are doing that today.

In these challenging fiscal times, every dollar we spend must not only meet immediate needs but also make lasting improvements for the future. Because school food programs currently provide more than half of the daily nutrition for many children, it is vital that these meals be healthy ones. Farm to school programs increase the availability of fresh fruits and vegetables to improve our children's daily nutrition and can lead to permanent improvements in their diets and eating habits.

Farm to School programs also benefit small- and mid-sized agricultural producers by providing access to consistent markets, making them a great stimulus for the local economy. Currently, 10,000 farm to school programs exist, but there are 94,000 public and nonprofit private schools operating school lunch programs that could offer one.

I would like to take a moment to thank Megan Lott of the Community Food Security Coalition, Beth Feehan, the Director of the New Jersey Farm to School Network, and Gabrielle Serra of the House Committee on Education and Labor for helping to make this program a reality.

I was delighted when the House recognized the critical importance of farm-to-school programs by passing my House Resolution 1655 in November, to establish October as National Farm to School Month. Today, I am pleased to support the Healthy, Hunger-Free Kids Act, and I urge my colleagues to do the same.

Mr. KLINE of Minnesota. Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. There are 18½ minutes remaining on both sides.

Mr. KLINE of Minnesota. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to a member of the committee, the gentleman from Iowa (Mr. LOEBSACK).

(Mr. LOEBSACK asked and was given permission to revise and extend his remarks.)

Mr. LOEBSACK. I want to thank Chairman MILLER and staff for working to move the reauthorization of this bill forward.

Mr. Speaker, this really is a historic bill; and while not perfect, it is nonetheless a vast improvement over the status quo. As was mentioned already a number of times, it passed unanimously in the Senate.

I am pleased that this legislation includes provisions from legislation that I introduced to ensure that over 110,000 more children receive school meals and are automatically enrolled for those meals, saving parents and schools time and money and cutting red tape, while also ensuring that our Nation's children are, in fact, getting adequate nutrition.

It also includes provisions that will improve the quality and healthfulness of school food products and processing, and it will give schools a new option to provide universal free meals.

This bill also makes a strong commitment to healthy foods through the Farm to School program, as was just mentioned, and it provides the first increase in the meal reimbursement rate in over 30 years.

I urge support for this legislation, not only for our children's current health, but for their future health as adults as well. I urge the passage of this legislation.

I want to first thank Chairman MILLER and Chairwoman LINCOLN and their staff for working to pass this bill and moving child nutrition reauthorization forward. This is a historic bill, and while not perfect, is a vast improvement over the status quo.

I am pleased that a number of provisions from legislation I introduced are included in this legislation. I was happy to introduce in the House, along with Chairwoman LINCOLN in the Senate, the Healthy Food for Healthy Schools Act, which is included in this bill.

I am also pleased that this bill includes a number of provisions from the Hunger Free Schools Act I introduced in the House and Senator BROWN introduced in the Senate.

The primary goals of the Hunger Free Schools Act are to increase access to the school meals programs, enhance children's learning, support a robust farm and food economy, and also lessen the administrative cost and burden on our schools.

Even in this day and age, the U.S. Department of Agriculture (USDA) reported that in 2009, over 450,000 families with children had one or more children who did not get enough to eat. In my eyes, this is simply unacceptable in the wealthiest and most advanced nation on earth.

I truly believe this legislation takes major steps to address these issues in the place where our children learn and grow. In order to prepare our children to compete in an increasingly global economy, we must make childhood nutrition a priority. By automatically enrolling low-income children for free school meals to ensure that no hungry child misses out on critical nutrition, we are taking important steps to address these issues.

That is also why, in the Hunger Free School Act, we included provisions to make it easier for high-poverty schools to offer free meals to all students through community eligibility and to make it easier for low-income students to get free meals no matter where they attend school.

The legislation before us today includes a number of these provisions from the Hunger Free Schools Act. I would like to share some specifics about what S. 3307 will do with respect to community eligibility and automatic enrollment.

This legislation includes new options designed to make it much easier for high-poverty schools and districts to focus their efforts on educating children rather than administrative burdens and paperwork. The new options, which are known as community eligibility options, draw on reliable data to replace paper applications, significantly reducing administrative hassles and even costs for families and for schools.

Schools that participate in community eligibility options would serve all meals free of charge to students in exchange for the simplifications of not having to process applications or track eligibility in the cafeteria. We have to make sure, however, that we don't replace one bureaucratic process that plagues schools with another process of complicated formulas and reimbursement rates.

The community eligibility provision included in this bill is targeted at the poorest schools in America. The goal is that these schools are able to serve all kids free meals so that no low-income child feels a stigma for needing these meals, they all get the meals they need to learn, and we help streamline the operation of the meal program.

This should allow schools to spend time on teaching and improving school meals rather than paperwork. While implementing the community eligibility portion of this legislation after it is signed into law, USDA should work to make it as easy as possible for schools to participate and should avoid unnecessary barriers or complexities. We need to focus on the goal of getting high-poverty schools to participate to make progress on reducing hunger.

Another important provision included in S. 3307 I was happy to work on is an expansion of automatic enrollment and direct certification. The Child Nutrition and WIC Reauthorization Act of 2004 phased in a requirement that schools automatically enroll children in households receiving benefits through the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) for free school meals so that families that have already sought help and provided detailed information will not have to go through a duplicative application process, thereby saving school districts time and money.

Obviously the goal was to have every school district automatically enrolling every one of those children. For a number of reasons, states miss nearly three in ten children who could benefit from automatic enrollment and some states miss half the children who could benefit. While we have not yet achieved the goal of automatically enrolling every child, schools have made good progress and this legislation will put in place incentives for further progress.

S. 3307 will put in place performance standards beginning with reaching 80 percent of children eligible for automatic enrollment based on SNAP data and increasing to 95 percent. States that have trouble meeting this standard will develop improvement plans and states that perform especially well or show dramatic improvement will receive performance bonuses. The Congressional Budget Office (CBO) estimates that an average of 4,500 low-income children will receive free school meals for the first time as a result of these changes.

While not as strong as provisions I included in the Hunger Free Schools Act, S. 3307 will importantly launch a demonstration project to expand direct certification through the use of Medicaid data for automatic enrollment for free school meals. Due to the funding situation we are faced with, the demonstration project focuses on the use of Medicaid data by selected school districts around the country. CBO estimates that 115,000 children each year will receive free school meals for the first time as a result of this demonstration project and many more who are already receiving free meals will be automatically enrolled for the first time by using the new Medicaid data.

Unfortunately, as I mentioned, due to funding constraints, there are millions more children who are eligible for free school meals and receive Medicaid, but who will not benefit from this expansion of direct certification. Fortunately, the USDA can do a great deal to reach them within the Department. I urge USDA to use its standing authority to conduct additional demonstration projects to explore the use of Medicaid data to enroll low-income children for free school meals.

Granted, the use of Medicaid data for direct certification is more complicated than SNAP data because states may set income limits for children receiving Medicaid that are higher than the income limits that apply to free meals offered through the school meals programs. To take Department-level steps to remedy this situation, USDA could study an array of different approaches to using Medicaid data for school meals enrollment, including statewide approaches.

Alongside my enthusiasm for these provisions, however, is concern that this bill is partly funded by reducing future SNAP benefits that were increased above normal levels as a result of the American Recovery and Reinvestment Act. As we all know, SNAP benefits stave off hunger for millions of low-income families, including many of the same families and children we try to help through the child nutrition programs.

I am pleased the Administration has stated their intention to work toward the restoration of this SNAP funding in the future and their intention to take additional steps to make improvements on a Department-level to the child nutrition programs. I hope USDA will look at provisions in the Hunger Free Schools Act for some ideas on potential improvements.

Despite the issue with SNAP benefits, this bill provides numerous benefits for children and schools and is truly a historic commitment to child nutrition. The bill also makes a strong commitment to healthy foods through the Farm to School program and provides the first increase in the meal reimbursement rate in over 30 years. The provisions of the Hunger Free Schools Act that are included will make important strides to modernize the school meals program and make it easier for low-income children to get the school meals they need, while providing a base upon which USDA may build.

By the time we begin work on the next child nutrition reauthorization, I hope these provisions I have discussed will have ensured that schools sewing low-income children are providing free meals to all students using community eligibility options, every student in a household receiving SNAP benefits are automatically enrolled for free school meals, and thousands more children are directly certified through Medicaid data.

Most importantly, I hope children will be healthier, will have a better learning environment, and that our child nutrition programs will be fulfilling our commitment to ending childhood hunger.

Mr. KLINE of Minnesota. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to a member of the committee, the gentlewoman from California (Ms. CHU).

Ms. CHU. How could the wealthiest country in the world have a situation where 22 percent of its children are hungry? Children like Michael, a fourth-grader. His mom works two jobs, and it's hard for her to cook, so Michael stuffs three sandwiches in his backpack during lunch, making the school lunch program his only guaranteed meal.

This bill will make it easier for more children like him to have at least one healthy meal a day. Kids who are fed aren't just healthier; they succeed. Children who eat breakfast at school do better on standardized tests than those who skip it or eat at home.

But that's not all. We heard some school districts are balancing their budgets by using school lunch dollars for other purposes. So I introduced a bill to ensure Federal nutrition money actually goes toward feeding our needy children—it is included here—ensuring that our tax dollars go where they are supposed to.

This bill was unanimously passed in the Senate and is fully paid for. Let's pass this bill, and let's ensure that our kids are fed.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself 2 minutes just to address an issue that we have talked about a number of times.

Both sides have referred to organizations that support or oppose this legislation. For a moment, I just want to go to a letter that has been referred to from the American Association of School Administrators, the Council of the Great City Schools, and the National School Boards Association. They represent the State and local officials who actually have to implement this law that we are preparing to pass here in Congress. There are just a couple of excerpts from the letter which I will quote:

''The bill adds multiple new requirements while failing to reimburse these additional costs.''

''School districts continue to financially subsidize the Federal meals program at the expense of our primary responsibility, our students' educational program.''

''The numerous new requirements in S. 3307 will exacerbate these operational concerns and drive school districts' budgets further in the hole. Notably, none of the interest groups or celebrities promoting this bill bear the governmental and legal responsibility of school district officials to deliver services with an annual balanced budget,'' and so forth.

This bill will drive up costs and complexities for school districts, and that is not the direction in which we should be going.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS; COUNCIL OF THE GREAT CITY SCHOOLS; NATIONAL SCHOOL BOARD ASSOCIATION,

NOVEMBER 15, 2010.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: All of the national organizations representing the nation's public school districts do not support the Senate version of the Child Nutrition reauthorization bill (S. 3307) pending before the House. The bill does not provide sufficient resources to cover the local cost of providing the federal free and reduced-priced lunches and breakfasts. Moreover, the bill adds multiple new requirements while failing to reimburse these additional costs. The Senate bill is actually less supportable than the House version of the child nutrition bill. As a result, the nation's school administrators, school boards, and big city school districts recommend passing a simple extension of current law.

School districts recognize the importance of providing healthy meals and snack options for school children, and support updating the nutritional standards for the National School Lunch and Breakfast Programs. But, school districts continue to financially subsidize the federal meals program at the expense of our primary responsibility, our students' educational program.

U.S. Department of Agriculture studies document that school districts' cost of providing free lunches exceeds the federal reimbursement by over thirty cents per meal, or an annual cost of $54,000 for school districts serving 1,000 students daily—the equivalent cost of retaining a teacher. In high cost areas, the un-reimbursed cost can be significantly more. The numerous new requirements in S. 3307 will exacerbate these operational concerns, and drive school districts' budgets further in the hole. Notably, none of the interest groups or celebrities promoting this bill bears the governmental and legal responsibility of school district officials to deliver services with an annual balanced budget.

School districts simply request that Congress pay for the costs of the federal free and reduced priced school meals, and refrain from imposing new federal requirements particularly in this economic environment. Much attention has been directed to the use of food stamp funds (SNAP) to pay for or offset the cost of the Senate's Child Nutrition bill. Unfortunately, little attention has been focused on the drain of local school district funds to pay for or offset the continuing unfunded costs of the federal free and reduced-priced school meals. We, therefore, recommend a ''no'' vote on S. 3307 and passage of a simple extension of the current programs.

Sincerely,

NOELLE ELLERSON,
American Association of School Administrators.

JEFF SIMERING,
Council of the Great City Schools.

LUCY GETTMAN,
National School Boards Association.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from California (Mr. FARR).

(Mr. FARR asked and was given permission to revise and extend his remarks.)

Mr. FARR. Madam Speaker, I would like to, first of all, praise the grandmother leadership of Speaker PELOSI and the leader of the committee, GEORGE MILLER. There are no two legislators in the history of the United States Congress who have done more for children than NANCY PELOSI and GEORGE MILLER, and I am really proud to come down and support the bill that they are supporting.

Look, the largest cost to the United States Government is health care. It's a no-brainer that, if you want to cut the costs of government, you have got to invest in wellness. The biggest investment in wellness is children. We can't just be concerned with what we are putting in their minds without being equally concerned with what we are putting in their stomachs. You can't grow a healthy America without nutrition, and we have paid little attention to it.

This bill is the start—it is the beginning—of better wellness in America and of healthier kids with healthier minds so that we can grow to be a competitive country and a healthy country and can bring down the costs of government.

For you who are opposing this bill, it's nonsensical. It's one of those issues where you raise the cost of everything but have no understanding of the value of what you are trying to defeat. The value is a healthier America. That brings down costs.

It is important that we get fresh grown vegetables and fresh grown fruit into our classrooms and get away from all of this processed stuff. Obesity is a huge problem in America. Kids can't qualify to get into the military. Diabetes, which is one of the fastest growing diseases, can be prevented, and it starts with this. It starts with this.

This is a good bill. We ought to all support it just like all the Senators have supported it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Members are reminded to address their remarks to the Chair.

Mr. KLINE of Minnesota. Madam Speaker, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself 1 minute.

The suggestion has been made by speakers on the other side that somehow this really isn't about a child nutrition bill, that somehow this isn't about child nutrition and the well-being of our schoolchildren.

The fact of the matter is that's what this bill is all about, and that's what this bill is directed to do. That's why it has received the support of the American Dental Association, the American Diabetes Association, the American Dietetic Association, the American Public Health Association, and the American School Health Association. These are the people who are intimately involved with the health of America's young children. These are the people who are with them in school settings. They see what happens when children don't have proper nutrition throughout the day, and they see the impact it has on their ability to learn, on their ability to focus, and on their ability to participate in class.

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That's why this legislation is so important. That's why it has such broad support in the entire nutritional community, in the health care community, in the religious community, in the farm community, and in our urban communities, because they understand the importance of this to the well-being of these children and to the budget of our Nation when we have spent over $147 billion dealing with obesity and diabetes in our society, and we know that it starts, much of it, with a bad diet.

Madam Speaker, I yield 2 minutes to the gentlewoman from California, Ms. BARBARA LEE, the chair of the Congressional Black Caucus.

Ms. LEE of California. Let me first thank the chairman for his leadership and for yielding and for his longstanding commitment and support for child nutrition programs and for our children.

On behalf of the Congressional Black Caucus, first of all I want to thank our Speaker, Congresswoman DELAURO, and, again, Chairman MILLER for their leadership. I have to thank the First Lady for her commitment to child nutrition and for launching the Let's Move program to fight childhood obesity. This program supports the First Lady's goal by reauthorizing and expanding our child nutrition programs to provide healthy, nutritious meals to our Nation's needy children.

The Census Bureau's latest poverty statistics show that poverty is rampant throughout America in both Democratic and Republican districts.

Let me just say, Madam Speaker, I personally know the value of these child nutrition programs. When I was a single mother on public assistance, raising two sons and going to college, I relied on school lunch programs for my children and I was on food stamps. This was really the only way, mind you, that I could feed my kids during some very difficult times.

Unfortunately, this bill, however, feeds low-income children at the expense of the food stamp program. I know that the President and First Lady share this concern—I know Chairman MILLER, our Speaker, Congresswoman DELAURO, the entire body shares this concern—and I know that the President will do everything that he can do to restore these unconscionable cuts, as he guaranteed to us yesterday. He has a deep commitment to our children and to our families, and his leadership on this bill really does demonstrate that.

Today, more people are falling into poverty. Unemployment is at 9.6 percent, and double that in the black and Latino communities. We've got record foreclosures, and we still haven't

passed an unemployment insurance compensation benefit package. We haven't extended this for those who desperately need help.

Addressing the deficit on the backs of the poor while arguing for a $700 billion tax cut for the wealthy is really not who we are as a country. So I urge my colleagues on both sides of the aisle to join us, to join the CBC in supporting this bill.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. Madam Speaker, I yield the gentlewoman 30 additional seconds.

Ms. LEE of California. Thank you, Mr. Chairman.

This really should not be a Republican or a Democratic or a Green or an Independent issue. Providing a safety net for those in need during dire economic times is a moral and ethical responsibility that we have.

The Congressional Black Caucus, of course, has always been known as the ''conscience of the Congress,'' and we recognize that, while not perfect, this is a bill that will create healthier children, healthier families, and a healthier country.

And so we thank President Obama, Speaker PELOSI, Chairman MILLER, and our leadership team for moving this bill forward, and we look forward to continuing to work with you to restore the cuts which have been made to the food stamp program.

[From the Census Bureau]

UNITED STATES—CONGRESSIONAL DISTRICTS BY STATE; AND FOR PUERTO RICO (111TH CONGRESS)

GCT1701. Percent of People Below Poverty Level in the Past 12 Months (For Whom Poverty Status Is Determined)

Universe: Population for whom poverty status is determined

Data Set: 2009 American Community Survey 1-Year Estimates

Survey: American Community Survey, Puerto Rico Community Survey

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.

Geographic area	Percent	Margin of error
United States	14.3	±0.1
Alabama	17.5	±0.5
District 1	18.1	±1.3
District 2	19.9	±1.4
District 3	19.6	±1.4
District 4	18.4	±1.4
District 5	13.0	±1.1
District 6	9.1	±1.0
District 7	26.7	±1.6
Alaska	9.0	±0.8
One District (At Large)	9.0	±0.8
Arizona	16.5	±0.4
District 1	20.1	±1.5
District 2	11.0	±0.9
District 3	12.7	±1.6
District 4	31.8	±2.2
District 5	12.2	±1.2
District 6	10.0	±1.2
District 7	23.2	±1.9
District 8	13.3	±1.4
Arkansas	18.8	±0.6
District 1	21.7	±1.2
District 2	15.4	±1.4
District 3	17.5	±1.3
District 4	21.4	±1.3
California	14.2	±0.2
District 1	15.0	±1.1
District 2	15.8	±1.2
District 3	9.6	±1.0
District 4	8.5	±0.9

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 5	21.1	±1.7
District 6	8.7	±0.9
District 7	12.0	±1.5
District 8	12.7	±1.1
District 9	15.6	±1.5
District 10	8.3	±1.1
District 11	8.2	±1.1
District 12	5.9	±0.8
District 13	7.6	±1.1
District 14	8.3	±1.0
District 15	7.5	±1.0
District 16	12.6	±1.5
District 17	17.5	±1.7
District 18	23.9	±1.7
District 19	15.7	±1.5
District 20	29.9	±1.9
District 21	20.2	±1.5
District 22	15.9	±1.4
District 23	16.4	±1.2
District 24	8.8	±1.0
District 25	16.4	±1.5
District 26	6.7	±1.0
District 27	12.4	±1.5
District 28	18.4	±1.5
District 29	12.0	±1.3
District 30	10.0	±1.0
District 31	26.2	±1.7
District 32	15.4	±1.4
District 33	20.6	±1.3
District 34	25.5	±2.2
District 35	20.6	±1.6
District 36	11.8	±1.4
District 37	20.9	±1.8
District 38	13.9	±1.6
District 39	14.3	±1.3
District 40	11.0	±1.4
District 41	17.4	±1.3
District 42	5.4	±1.0
District 43	21.0	±1.9
District 44	11.2	±1.3
District 45	14.7	±1.3
District 46	8.9	±1.1
District 47	18.6	±1.7
District 48	7.3	±0.9
District 49	11.5	±1.1
District 50	8.5	±1.1
District 51	17.4	±1.5
District 52	10.4	±1.4
District 53	19.1	±1.8
Colorado	12.9	±0.4
District 1	18.8	±1.4
District 2	11.6	±1.2
District 3	14.0	±1.1
District 4	16.0	±1.3
District 5	11.6	±1.0
District 6	4.7	±0.7
District 7	15.3	±1.5
Connecticut	9.4	±0.5
District 1	10.2	±1.0
District 2	6.9	±0.7
District 3	10.7	±1.1
District 4	9.5	±1.1
District 5	9.7	±1.0
Delaware	10.8	±1.1
One District (At Large)	10.8	±1.1
District of Columbia	18.4	±1.6
Delegate District	18.4	±1.6
Florida	14.9	±0.2
District 1	16.4	±1.5
District 2	19.1	±1.3
District 3	26.3	±1.9
District 4	11.9	±1.2
District 5	14.2	±1.1
District 6	14.3	±1.2
District 7	13.0	±1.0
District 8	13.0	±1.1
District 9	11.1	±1.6
District 10	11.7	±1.2
District 11	20.9	±1.3
District 12	17.0	±1.3
District 13	13.8	±1.1
District 14	11.6	±1.1
District 15	12.9	±1.2
District 16	14.3	±1.2
District 17	23.5	±1.6
District 18	18.0	±1.2
District 19	10.9	±1.2
District 20	10.7	±1.9
District 21	14.5	±1.4
District 22	11.5	±1.4
District 23	23.9	±1.9
District 24	9.7	±0.9
District 25	14.2	±1.7
Georgia	16.5	±0.4
District 1	19.4	±1.5
District 2	25.3	±1.7
District 3	11.5	±1.0
District 4	19.0	±1.6
District 5	20.9	±1.8
District 6	7.4	±0.9
District 7	11.4	±1.1
District 8	18.3	±1.4
District 9	16.6	±1.5
District 10	20.0	±1.3
District 11	13.0	±1.2
District 12	21.9	±1.4
District 13	15.3	±1.4
Hawaii	10.4	±0.7

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 1	9.4	±0.9
District 2	11.3	±1.2
Idaho	14.3	±0.8
District 1	14.2	±1.1
District 2	14.3	±1.0
Illinois	13.3	±0.3
District 1	23.0	±1.8
District 2	20.9	±1.7
District 3	10.9	±1.5
District 4	20.9	±1.5
District 5	12.2	±1.4
District 6	6.9	±1.1
District 7	24.0	±1.6
District 8	6.8	±1.0
District 9	13.6	±1.4
District 10	7.1	±1.0
District 11	11.3	±1.0
District 12	18.7	±1.2
District 13	5.0	±0.9
District 14	9.8	±1.0
District 15	16.4	±1.4
District 16	12.8	±1.0
District 17	15.2	±1.2
District 18	12.2	±1.0
District 19	11.9	±0.8
Indiana	14.4	±0.4
District 1	13.4	±1.1
District 2	16.3	±1.3
District 3	12.8	±1.1
District 4	11.2	±0.9
District 5	9.2	±0.9
District 6	15.7	±1 2
District 7	24.0	±1.7
District 8	14.6	±1.2
District 9	14.3	±0.9
Iowa	11.8	±0.4
District 1	12.0	±1.1
District 2	13.3	±1.2
District 3	11.0	±1.1
District 4	10.5	±0.8
District 5	12.1	±1.1
Kansas	13.4	±0.6
District 1	12.8	±1.1
District 2	15.9	±1.0
District 3	11.8	±1.0
District 4	13.1	±1.2
Kentucky	18.6	±0.5
District 1	17.7	±1.2
District 2	16.6	±1.3
District 3	15.7	±1.3
District 4	14.8	±1.1
District 5	28.9	±1.8
District 6	18.4	±1.2
Louisiana	17.3	±0.5
District 1	12.7	±1.3
District 2	23.0	±1.8
District 3	15.1	±1.3
District 4	17.5	±1.3
District 5	21.2	±1.4
District 6	15.6	±1.4
District 7	17.7	±1.4
Maine	12.3	±0.7
District 1	9.2	±0.9
District 2	15.6	±1.0
Maryland	9.1	±0.3
District 1	8.2	±0.7
District 2	11.0	±1.2
District 3	10.0	±1.1
District 4	7.1	±1.2
District 5	5.5	±0.8
District 6	8.3	±0.8
District 7	15.5	±1.4
District 8	7.9	±1.0
Massachusetts	10.3	±0.3
District 1	12.3	±1.0
District 2	12.4	±1.1
District 3	9.7	±1.0
District 4	9.7	±1.0
District 5	10.4	±1.2
District 6	7.1	±0.8
District 7	8.3	±0.9
District 8	18.1	±1.4
District 9	7.8	±1.1
District 10	7.1	±0.9
Michigan	16.2	±0.3
District 1	15.3	±1.0
District 2	14.8	±1.0
District 3	14.6	±1.1
District 4	17.5	±1.1
District 5	20.6	±1.3
District 6	17.5	±1.1
District 7	13.6	±1.1
District 8	12.2	±1.2
District 9	9.8	±1.0
District 10	10.6	±1.0
District 11	7.9	±1.1
District 12	13.7	±1.3
District 13	31.9	±2.0
District 14	30.5	±2.1
District 15	15.2	±1.1
Minnesota	11.0	±0.3
District 1	11.2	±0.9
District 2	6.4	±0.8
District 3	6.5	±1.0
District 4	14.7	±1.3
District 5	17.0	±1.3
District 6	7.6	±0.9
District 7	12.0	±0.8

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 8	14.1	±1.0
Mississippi	21.9	±0.6
District 1	19.3	±1.1
District 2	30.3	±1.7
District 3	20.5	±1.3
District 4	18.7	±1.6
Missouri	14.6	±0.4
District 1	20.1	±1.6
District 2	4.8	±0.7
District 3	12.7	±1.2
District 4	14.8	±1.1
District 5	16.0	±1.5
District 6	10.8	±0.9
District 7	18.0	±1.4
District 8	20.5	±1.4
District 9	15.1	±1.2
Montana	15.1	±1.0
One District (At Large)	15.1	±1.0
Nebraska	12.3	±0.6
District 1	13.1	±1.0
District 2	11.2	±1.1
District 3	12.8	±0.9
Nevada	12.4	±0.7
District 1	15.9	±1.4
District 2	12.6	±1.2
District 3	9.3	±1.1
New Hampshire	8.5	±0.6
District 1	8.9	±1.0
District 2	8.1	±0.9
New Jersey	9.4	±0.3
District 1	11.0	±1.1
District 2	11.5	±1.1
District 3	6.3	±0.9
District 4	7.9	±1.0
District 5	4.4	±0.7
District 6	9.6	±1.1
District 7	4.3	±0.7
District 8	14.5	±1.3
District 9	9.2	±1.1
District 10	17.3	±1.5
District 11	3.5	±0.6
District 12	6.1	±1.0
District 13	17.3	±1.6
New Mexico	18.0	±1.0
District 1	16.7	±1.4
District 2	21.6	±1.9
District 3	15.8	±1.3
New York	14.2	±0.2
District 1	5.8	±1.0
District 2	4.8	±0.9
District 3	4.3	±0.8
District 4	6.4	±0.8
District 5	11.2	±1.0
District 6	11.6	±1.4
District 7	17.3	±1.4
District 8	16.3	±1.3
District 9	11.6	±1.1
District 10	25.1	±1.6
District 11	20.1	±1.7
District 12	25.1	±1.4
District 13	11.3	±1.2
District 14	9.7	±1.0
District 15	25.0	±1.9
District 16	38.0	±2.2
District 17	15.7	±1.1
District 18	8.8	±1.2
District 19	8.3	±1.0
District 20	8.8	±0.9
District 21	13.0	±1.0
District 22	15.7	±1.3
District 23	14.5	±1.0
District 24	13.9	±1.0
District 25	12.4	±1.0
District 26	9.4	±1.0
District 27	14.7	±1.1
District 28	20.9	±1.4
District 29	11.0	±0.9
North Carolina	16.3	±0.3
District 1	25.2	±1.2
District 2	17.8	±1.5
District 3	14.2	±1.2
District 4	10.6	±1.0
District 5	13.3	±1.2
District 6	13.5	±1.6
District 7	20.8	±1.4
District 8	18.2	±1.4
District 9	10.4	±1.1
District 10	15.9	±1.2
District 11	16.6	±1.6
District 12	21.6	±1.3
District 13	16.6	±1.3
North Dakota	11.7	±0.8
One District (At large)	11.7	±0.8
Ohio	15.2	±0.3
District 1	17.8	±1.1
District 2	10.8	±1.1
District 3	13.0	±1.1
District 4	14.1	±1.2
District 5	13.1	±1.0
District 6	16.8	±1.3
District 7	14.9	±1.4
District 8	13.9	±1.1
District 9	16.8	±1.3
District 10	15.2	±1.2
District 11	26.3	±1.6
District 12	13.3	±1.1
District 13	14.5	±1.2
District 14	9.0	±1.3

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 15	18.6	±1.3
District 16	12.9	±1.2
District 17	18.5	±1.4
District 18	17.4	±1.2
Oklahoma	16.2	±0.5
District 1	14.1	±1.2
District 2	20.3	±1.2
District 3	15.5	±1.0
District 4	12.9	±1.0
District 5	18.4	±1.3
Oregon	14.3	±0.5
District 1	11.2	±1.2
District 2	15.4	±1.1
District 3	13.9	±1.4
District 4	17.4	±1.2
District 5	13.7	±1.0
Pennsylvania	12.5	±0.2
District 1	28.9	±1.7
District 2	24.7	±1.9
District 3	13.5	±1.0
District 4	8.3	±0.9
District 5	15.8	±1.1
District 6	7.4	±0.8
District 7	6.4	±0.8
District 8	3.9	±0.6
District 9	12.5	±0.9
District 10	12.0	±0.9
District 11	13.3	±1.2
District 12	15.3	±1.0
District 13	10.4	±1.2
District 14	20.3	±1.5
District 15	10.0	±0.9
District 16	11.6	±1.2
District 17	10.6	±1.0
District 18	8.0	±1.0
District 19	7.5	±0.7
Rhode Island	11.5	±0.8
District 1	11.9	±1.1
District 2	11.1	±1.2
South Carolina	17.1	±0.5
District 1	14.1	±1.0
District 2	12.3	±1.0
District 3	19.3	±1.2
District 4	15.6	±1.2
District 5	18.5	±1.2
District 6	24.4	±1.5
South Dakota	14.2	±1.0
One District (At Large)	14.2	±1.0
Tennessee	17.1	±0.4
District 1	19.2	±1.2
District 2	14.2	±1.1
District 3	18.4	±1.2
District 4	17.8	±1.2
District 5	16.0	±1.5
District 6	15.1	±1.2
District 7	10.4	±1.1
District 8	20.5	±1.3
District 9	24.8	±1.9
Texas	17.2	±0.2
District 1	17.1	±1.3
District 2	13.8	±1.1
District 3	11.0	±1.2
District 4	13.8	±1.2
District 5	14.4	±1.5
District 6	14.3	±1.5
District 7	8.2	±1.0
District 8	13.8	±1.1
District 9	22.2	±1.9
District 10	11.1	±1.0
District 11	15.3	±1.0
District 12	14.0	±1.5
District 13	15.1	±1.2
District 14	12.7	±1.1
District 15	32.0	±1.8
District 16	23.3	±1.7
District 17	20.8	±1.3
District 18	26.2	±1.8
District 19	17.7	±1.4
District 20	24.6	±1.8
District 21	10.0	±1.0
District 22	10.3	±1.2
District 23	19.2	±1.5
District 24	9.5	±1.2
District 25	18.1	±1.5
District 26	14.1	±1.3
District 27	26.9	±1.6
District 28	27.8	±1.9
District 29	24.7	±2.0
District 30	27.8	±1.8
District 31	10.7	±0.9
District 32	17.6	±1.7
Utah	11.5	±0.5
District 1	11.5	±1.0
District 2	10.7	±0.9
District 3	12.3	±1.1
Vermont	11.4	±0.9
One District (At Large)	11.4	±0.9
Virginia	10.5	±0.4
District 1	7.6	±0.9
District 2	8.5	±1.0
District 3	19.1	±1.4
District 4	9.8	±0.8
District 5	16.4	±1.2
District 6	14.0	±1.2
District 7	7.5	±0.7
District 8	8.0	±1.1
District 9	18.1	±1.5
District 10	5.4	±0.9

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 11	5.2	±0.9
Washington	12.3	±0.4
District 1	7.6	±1.1
District 2	11.6	±1.1
District 3	12.9	±1.2
District 4	17.6	±1.4
District 5	16.0	±1.1
District 6	15.4	±1.2
District 7	11.6	±1.3
District 8	6.2	±0.8
District 9	12.4	±1.3
West Virginia	17.7	±0.7
District 1	17.1	±1.1
District 2	13.8	±1.2
District 3	22.6	±1.7
Wisconsin	12.4	±0.4
District 1	10.3	±1.1
District 2	13.2	±1.0
District 3	11.9	±0.7
District 4	25.6	±1.7
District 5	5.7	±0.8
District 6	10.5	±0.8
District 7	12.4	±0.7
District 8	10.4	±0.9
Wyoming	9.8	±1.0
One District (At Large)	9.8	±1.0
Puerto Rico	45.0	±0.6
Resident Commissioner District	45.0	±0.6

Source: U.S. Census Bureau, 2009 American Community Survey

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Notes:

While the 2009 American Community Survey (ACS) data generally reflect the November 2008 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names. codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Explanation of Symbols:

1. An '**' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.

4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.

5. An '***' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

6. An '****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

8. An '(X)' means that the estimate is not applicable or not available.

Mr. KLINE of Minnesota. Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his important leadership on the child nutrition program legislation.

In Oregon, we are the third hungriest State in the country, so there is much in this legislation that means a difference immediately to families and children in our State. But indeed, expanding school lunch meal programs to all 50 States, the $40 million in mandatory farm-to-school funding, these are all elements that everybody ought to rejoice about.

Our children deserve our best, the most nutritious food that we can give them, and sadly that is not the case with school lunch programs, as we all know. This bill, while not as good as the bill, Mr. MILLER, that you originally drafted, will help provide more children with healthy food choices.

I am particularly pleased with the additional farm-to-school funding. This will help children, teachers, and local farmers. This is exactly the sort of win-win program we should be focusing on, particularly during difficult economic times.

We all should be troubled by the decrease in the food stamp funding that is used to help deal with the financing deficit in this bill. I hope the administration will indeed work hard with us to find ways to diminish the cut. It is a sad day when the only way we can feed hungry children at school is by taking away food from them at home.

At a time when people are talking with a straight face about borrowing $4 trillion for tax cuts, including hundreds of billions for the most fortunate of Americans, the notion that we would shortchange our children in this fashion is regrettable. We can do better.

The legislation, as it is, before us is an important first step, and I look forward to building upon this foundation so that we can finally give our children, from coast to coast, the nutrition they need and deserve.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself 1 minute.

The speakers on my side of the aisle have expressed concern, as indeed I did, about the pay-for here. This bill proposes to take money from the SNAP program to pay for this, and we have expressed some concern that this is something of a shell game for two reasons. One, it's borrowed money, and if we really want to do some positive things for our children, we should look at not adding billions and trillions more to the debt that they're going to have to pay. But we've had speaker after speaker on the other side of the aisle come down and say things like, The President has assured me that we're not going to actually spend this money or that they're going to work tirelessly to make sure that this pay-for is not in fact the pay-for. So I think the debate has confirmed our suspicion that in fact the promised pay-for is really not there.

Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Utah, a member of the committee, Mr. BISHOP.

Mr. BISHOP of Utah. I appreciate the gentleman from Minnesota allowing me some time.

I come down here in an effort to try and talk, perhaps somewhere balancing this particular act.

There is nothing wrong with child nutrition. There is nothing wrong with trying to provide that kids have the opportunity to be well fed so that they can function in school. There is nothing wrong with the goals or the desires of those who are sponsoring this legislation. Admittedly, there is something wrong with allowing the Senate to write everything and ignoring what the House did and bringing this here on a closed rule, but that's a process issue.

What I wish to do here today though, more than anything else, is to plead the 10th Amendment. There are great and noble goals within this particular bill, but this body is not the only place in which great and noble goals can be accomplished. When we, in this bill, give the Secretary of Agriculture the unlimited control and authority to determine what is food and what is not, what kids will eat and what they will not, by nature of that action we take away that responsibility from local school boards, from parents, from local administrators who actually do care about those kids to a greater degree than even our compassionate concern on this particular level.

When we, in this bill, now mandate an exercise program in order to get funds for school lunches—once again, there's nothing wrong with making kids go outside and exercise. It's noble, but this is not a school board. Those are the issues in which local government and local schools and parents and administrators and educators on that level, that is a prerogative that they should be making because, I hate to say this, but they do know better to the local initiatives and local needs of their kids.

When you add 17 new Federal programs in this particular bill, you automatically, if nothing else, take away the ability of schools to concentrate on what they think is more significant and more important. When you, in this bill, allow the Federal Government to establish what will be paid for a school lunch, you take, once again, flexibility away from local people to meet the needs of their particular area. There is nothing wrong with the goals and attitude and hopes of this particular bill, but we are not a school board.

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That's why they are there. They understand. They care about their kids. They should be empowered to make these kinds of decisions, not mandated on how those decisions should be made.

Like I say, I appreciate the sponsor. I appreciate the leader of this committee. I appreciate his goals. But once again, not every idea has to germinate in Washington, not every concept has to be authorized, funded, and regulated in this particular body. I plead the 10th Amendment.

Mr. GEORGE MILLER of California. I yield 2½ minutes to the gentlewoman from Connecticut, ROSA DELAURO and thank her publicly for all of her work on this legislation and on behalf of our children.

Ms. DELAURO. I thank the gentleman from California. I thank him for his entire career as a Member of this House of Representatives and in the past as being a leading champion on what happens to our kids, their well-being, their nutrition, and their best interests. And this bill is another example of his commitment to that effort.

The Hunger-Free Kids Act represents an overdue, a much-needed recommitment to the health and the well-being of our schoolchildren. Our kids today are threatened by a growing obesity epidemic. Far too many kids are struggling and families are struggling with gnawing and unyielding hunger.

Today, people want to talk about ''food insecurity'' and ''food hardship.'' Don't let them use those nice words. It's about one out of four kids going hungry in the United States of America every single day. We have an opportunity to move forward to address that issue today.

The Hunger-Free Kids Act will add 115,000 new students into the school meals program by using Medicaid data to certify eligible kids. It will provide an additional 21 million meals a year by reimbursing providers for after-school meals to low-income children.

While expanding access to meal programs, the bill works to improve the nutritional quality of all of the food in our schools. It sets national nutrition standards. We're going to get junk food that infiltrates our classrooms and cafeterias out the door. For the schools that comply with the revised nutrition standards, it says that there's a first time reimbursement rate increase. Six cents a meal is what we're talking about. The first we've seen in over 30 years. And it does it—all of this that it does is all being fully paid for.

I ask my colleagues on both sides of the aisle: How many programs that get passed in this Congress are fully paid for? We are paying in order to feed our kids.

Our kids consume roughly 35 to 50 percent of their daily calories during the school day. We can pass this bill. They will get enough nutritious food to stay healthy, to grow, to learn, and to succeed. For those who say how can we afford this bill right now, we say how can we afford not to pass it?

Leaving millions of children hungry, leaving millions of children malnourished in the name of budget cutting is penny wise, it's pound foolish, and it is unconscionable. Vote for this bill.

Mr. KLINE of Minnesota. I continue to reserve my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Thank you, Mr. Chairman.

Madam Speaker, this is a very important bill to all of us. When we look at what's happening right now in the United States of America, nearly 5 million women, infants, and children rely upon Federal nutrition programs such as the National School Lunch Program, the WIC programs, and the Child and Adult Care Program.

No one has worked harder than our chairman here, Mr. MILLER, to be able

to protect the American people who are oftentimes struggling between choosing between food and any other of their priorities that they have.

The key reasons why I'm supporting this bill: It increases the school lunch funding to help schools offer healthier meals; it limits the availability of junk food in our schools; and it leverages our public-private partnerships. But also in honor of our First Lady, who's worked very hard in this area, and this will give the resources we need to make those priorities happen.

I commend our chairman. It's way over time, and we need to get this done so people can eat in these very difficult times.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the argument that we have been making in the debate today is that this really isn't about dietary guidelines or even school nutrition strategies. The point was made there are a lot of people caring, from local school boards to Members of Congress and certainly the First Lady. It's not a debate about keeping our children healthy and active. We all want to see our children healthy and active. This is a debate about spending and the role of government and the size of government, a debate about whether we're listening to our constituents or not.

Reauthorizing child nutrition should be easy. We should be able to extend these programs and approve them. We should be able to do that without adding to the cost. I'm confident Members on both sides of the aisle would welcome the opportunity to do just that at no new cost to taxpayers. Unfortunately, that option is not on the table today.

Instead, we are voting on yet another bill that calls for the government to grow, expand, to spend more and intrude more, and I am arguing that this bill is in fact not paid for. It's an argument that I made minutes ago.

I would quote from an article, the newspaper yesterday, I think Congress Daily. It says: ''Antihunger advocates opposed House consideration of the bill before the election because part of the offset for the bill is a cut in future food stamp benefits. But the Food Research and Action Center said last week that its member groups would support the bill as long as Congress and the Obama administration plan to restore the food stamp cut in future legislation.''

We don't know where the pay-for is going to come from. We've got something on paper that says it's going to come out of food stamps, which was money borrowed in the stimulus bill, and yet we really don't know where that's coming from.

So, Madam Speaker, I am arguing that this bill is not what the people want. They want our children to be healthy and active, but they do not want to see government grow. They do not want to see the creation or expansion of 17 new programs. They do not want to see $4.5 billion of new spending. This is not what the people want. It's not what they can afford. This is not a bill I can support. I urge my colleagues to vote ''no.''

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield myself the balance of my time.

Madam Speaker, Members of the House, first of all, I want to begin by thanking the staffs of the committee on both sides of the aisle. We may not agree on this bill, but we spent a lot of time in this committee on hearings and the presentation of facts and the marshaling of those facts and the drafting of legislation. We had an awful lot of cooperation across the aisle, and I want to thank everybody for that effort.

Specifically, on the majority side, I want to thank Gabrielle Serra, Kara Marchione, Kim Zarish Becknell, Ria Ruiz, Jose Garza, Betsy Kittredge Miller, Melissa Salmanowitz, Denise Forte, and Jody Calemine; and Brian Ronholm from Ms. DELAURO's staff; Keith Stern from Mr. MCGOVERN's staff; and Erik Stallman from the Speaker's staff. All of these individuals were helpful in the negotiations not only here in the House and the presentation of this legislation, but monitoring and looking at what was happening in the Senate where this legislation that we're considering today was not only passed out of the Senate with unanimous consent, but it was also passed out of the committee with unanimous consent, where it was given full consideration, where the hearings were made and built the confidence of the members of that committee on both sides of the aisle and built the confidence obviously on both sides of the aisle in the Senate so that it could pass with unanimous consent.

And why has that happened? Because this legislation deals with and addresses in the most profound way the problem of hunger among our schoolchildren, among poor schoolchildren in this Nation.

□ 1430

But we also address the needs of the various institutions that are involved in delivering this nutrition to these children. And that is to the local school districts, to the local schools. And we have simplified the program. We have made it more efficient. We have taken away much of the redundant activity that they used to have to go through to check the same kid four times a day in four different settings. And we got rid of that to reduce the costs of the program. And we received bipartisan support for that effort.

We also made it safer. Up until this legislation was passed, in many instances schools are the last to know that a food recall has taken place, and that the recall may be taking place where the food for the schools is produced. But because they are not on the list, they are not in the protocols, the schoolchildren are put at risk, as we have seen in the recent recalls. So it's safer for those children, it's healthier for those children.

The 6-cent increase in the meal program is the first one in 30 years. And it's with the designed purpose to improve the quality of the meal program. I know these children. I have seen these children. I know them through the Diabetics Association. I know them through the programs on obesity. We have a very serious problem. And this is an effort, agreed to by the Pediatrics Association and others, that this is the way to attack it and to start to build a barrier against childhood obesity and adult-onset obesity. And we have got to change that diet. And that's where major, major savings in health care come from.

So this is a bill that has been thought out in its entirety. It's a bill that is respectful of local control. It's respectful of the needs of school settings and their particular situations. We tried to do that. We listened to school food administrators for districts across this country, all of whom had ideas for efficiencies and improvements. And many of those are ingrained in this legislation. So I would hope that my colleagues, when they would come to the floor later to vote on this bill, will vote for this legislation. They will understand it's fully paid for. They will understand that it received unanimous consent in both the committee in the Senate and on the Senate floor.

With that, I urge the passage of this legislation.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 3307.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 1, 2010.

Hon. GEORGE MILLER,
Chairman, House Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MILLER: I am writing to confirm our understanding regarding S. 3307, the ''Healthy, Hunger-Free Kids Act of 2010.'' The Committee on Energy and Commerce has jurisdictional interest in provisions of the bill. In light of the interest in moving this bill forward promptly, I am not exercising the jurisdiction of the Committee on Energy and Commerce regarding S. 3307, with the understanding that taking this course does not prejudice the Committee's jurisdictional interests and prerogatives on the subject matter of jurisdictional interest contained in this or similar legislation in the future.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES,

Washington, DC, December 1, 2010.

Hon. HENRY A. WAXMAN,

Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN: I am writing in response to your letter of December 1, 2010, regarding S. 3307, the ''Healthy, Hunger-Free Kids Act of 2010.'' I acknowledge that the Committee on Energy and Commerce has jurisdictional interest in provisions of the bill. In the interest of expeditious passage of this critical legislation, I appreciate your willingness to not assert such jurisdictional interests and understand that such action does not prejudice your Committee's jurisdictional interests in this or similar legislation in the future.

I will submit a copy of your December 1, 2010, letter and this response to the Congressional Record during floor consideration.

Thank you for your cooperation in this matter.

Sincerely,

GEORGE MILLER,
Chairman.

Ms. HIRONO. Madam Speaker, I rise in support of the Healthy, Hunger-Free Kids Act, S. 3307, the largest Federal effort in 30 years to fight childhood obesity and hunger in Hawaii and nationwide. Our keiki's health is a crucial priority. I will vote to send this landmark child nutrition bill to President Obama for his signature.

We've seen the statistics. Hawaii faced a 15 percent increase in diabetes rates from 2005 to 2009, and 28.5 percent of youth in Hawaii ages 10–17 are obese. Meanwhile, 9.1 percent of Hawaii residents are ''food insecure,'' lacking consistent access to enough food for a healthy and productive life.

The Healthy, Hunger-Free Kids Act will take crucial steps to fight childhood obesity. The new law will authorize a higher reimbursement rate for schools that serve healthier meals. This is the first reimbursement rate increase in 30 years. The law will apply the latest dietary guidelines to all food served in schools, keeping junk food and soda out of vending machines and the cafeteria. Over 100,000 Hawaii students participate in the Federal school lunch program.

I have visited school gardens at several schools in Hawaii, seeing firsthand how Farm-to-School programs can teach children about healthy eating as part of the curriculum. These programs can also help Hawaii farmers get their food into local schools. The new law includes $40 million in grants for Farm-to-School programs nationwide.

Hungry kids cannot learn. To fight child hunger, the new law will increase reimbursements for programs serving after-school, weekend, and summer meals. The law will also make it easier for schools to automatically enroll students in school lunch and breakfast programs using existing poverty data from Medicaid, foster care, Census, or the Supplementary Nutrition Assistance Program, SNAP, formerly known as food stamps. Currently, schools in many States require families to submit a cumbersome paper application form each year.

The new law also will fund school wellness policies to help schools promote nutrition and physical education. To help new mothers and our youngest children, the bill will support a healthier food packet for over 37,000 Hawaii participants in the Women, Infants and Children, WIC, program, integrating support for breastfeeding and the latest research on neonatal nutrition.

I want to acknowledge that this bill is not as strong as I or some of my constituents would have liked. As a member of the House Education and Labor Committee, I voted for a stronger version of the child nutrition bill that maintained Recovery Act support for SNAP, food stamp, benefits and included an innovative amendment to support plant-based and nondairy food in schools. The House bill also included my amendment to increase reimbursement rates for areas such as Hawaii that have higher food costs. I will continue fighting for these initiatives in the future, but the Senate bill before us today is our last, best hope to make crucial improvements in child nutrition this year. Next year's incoming House leadership has expressed clear opposition to these investments in child nutrition.

Mr. STARK. Madam Speaker, I rise to support the Healthy, Hunger-Free Kids Act. This bill addresses the linked problems of child hunger and child obesity by improving child nutrition programs and ensuring that children have increased access to healthy meals in school and at home.

One in four children in this country is at risk of hunger and one in three is overweight or obese. This is an epidemic and we can start to address it by improving our nutrition programs. For the first time in 30 years, this bill will increase the reimbursement for school meals, allowing schools to serve healthier meals. It will also implement national nutrition standards for school food, allow more low-income children to have access to school meals, make foster children automatically eligible for school meal benefits, and promote breastfeeding.

Passing this bill is the right thing to do and we must pass it now or lose this important opportunity to invest in children. I do regret that part of this legislation is paid for with future cuts to the Supplemental Nutrition Assistance Program, SNAP. The benefit cut authorized by this bill will cause a family of four to lose up to $59 a month out of their limited food budget in 2013. Congress and the President must remain committed to reversing these cuts before they go into effect. I urge the Obama administration to address the gaps in SNAP benefits through all available measures. For example, access to SNAP can be greatly improved by eliminating unnecessary, ineffective procedures, such as the finger imaging used in California, which discourage eligible Americans from applying for benefits.

It is unacceptable that one quarter of America's children are hungry, and that one third are at risk of the health problems associated with obesity. I urge my colleagues to support S. 3307 and stand with me for the health of our children.

Mrs. MCCARTHY of New York. Madam Speaker, I'd like to thank Chairman MILLER for his leadership on this issue.

I'd also like to thank all of our staff who have worked so hard on this bill.

Finally, I'd like to thank the nutrition and anti-hunger groups who have helped raise awareness of this very important issue, including those in my district.

In the Healthy Families and Communities Subcommittee, which I chair, we have worked hard over the last two Congresses on how we should address many important issues through child nutrition reauthorization, including how we can reduce childhood obesity.

As a nurse for over 30 years, I have seen firsthand the risks and illnesses that can result from obesity.

During our bipartisan subcommittee hearings, committee members have heard testimony about studies that one in five 4-year-olds is obese, that kids have the arteries of middle-aged adults, and that the number of children who take medication for chronic diseases has jumped dramatically.

Some of these reports are shocking, and unfortunately, some are not.

Childhood obesity, diabetes and heart disease are all on the rise in the U.S. and one of the best tools we have to combat these illnesses is our ability to provide wholesome and healthy nutrition to children in school.

Childhood obesity is found in all 50 States, in both young children and adolescents, affecting all social and economic levels.

Low income communities tend to have the highest obesity rates due to factors such as a lack of access to affordable, healthy foods, lack of safe, available venues for physical activity, and a lack of education about nutrition and its benefits.

Furthermore, it has been found that minority children are at the greatest risk for obesity.

There is no silver bullet to solve childhood obesity.

However, the School Breakfast and Lunch programs can make a great impact because they may provide more than 50 percent of a student's food and nutrient intake on school days.

Given the current harsh financial realities for many families in my district and throughout the Nation, schools have an increasingly important role to play in providing children with nutritious food during their days.

I also hear from folks in schools finding it more and more difficult to meet the increased demand for meals with healthy, nutritious and high-quality foods, without adequate funding.

We also know how critical it is to reach the youngest children and infants as soon as possible.

I am proud that this bill contains provisions from bills I have introduced which will promote nutrition and wellness in child care settings, and support breastfeeding for low-income women.

We know that change for adults is hard, but if we start to educate our kids early enough, we can establish lifelong habits and the values of healthy living and wellness for the future.

The bill before us contains provisions which are very important to a great number of children.

While the bill doesn't contain everything our House-passed bill contained, it is a strong, commonsense, and hopefully bipartisan effort to improve access to healthy food for children.

But by taking a comprehensive approach to nutrition, our children, families and communities will all be healthier.

I urge my colleagues to vote yes on this bill.

Mr. GRIJALVA. Madam Speaker, the legislation before us includes many important improvements to the child nutrition programs that millions of our nation's children rely on for daily nutrition. As a result of this bill, it will be easier for children in low-income families to get the meals they need. Just as important, the meals they get will be healthier.

The provisions included in the bill have important ramifications for Latino children in particular. Latino children currently make up more

than one in five children in the U.S. and are the fastest-growing segment of the child population. Latino children are also the hungriest in America—making up almost 40 percent of the children struggling against hunger. They are more than four times as likely as white children to be food insecure and hungry. Ironically, they also have one of the highest risks for obesity.

Latino families often experience barriers to participation in federal programs based on language access issues. The number of children who speak English as a second language has grown over the years and families who struggle with English proficiency are now located in many parts of the country where there is no mechanism in place to meet their language access needs. School districts in these areas need guidance and support to help them communicate effectively with parents who do not speak English fluently. Such guidance and support will ensure that eligible children receive the proper nutrition they need during the day through the school meals program. It is of the utmost importance that all eligible children have access to the federal food assistance programs regardless of what language their parents speak or whether their parents can read. Access to our meal programs is essential no matter what language is spoken at home.

Six years ago, in the last reauthorization of the child nutrition programs, Congress clarified that program administrators must communicate with parents in a manner that they can understand. Congress set a clear standard, but left it to the U.S. Department of Agriculture to implement that standard by explaining to school districts and other program operators what they must do to live up to it. To date, USDA has failed to provide this guidance.

As a result, the 16,000 plus school districts in the U.S. have been left to interpret the statutory terms themselves. While the method of assistance to families may differ across states and localities, the federal standards for the level of service should be consistent. In the absence of federal guidance, it is likely that many school districts will not know that a standard exists and may fail to comply. USDA needs to offer guidance so that there is consistency in implementation around the country. There is no reason why a Romanian-speaking parent in Florida, for example, should have more or less help with applying for school meals than a Romanian-speaking parent in Michigan.

School districts are well-positioned to comply with Congress' requirement. They routinely identify the language spoken in the homes of their students. Moreover, for other school matters, they are already required to communicate with parents in a language they can understand. That standard applies to communications regarding the school meals program as well. But school districts need additional direction and support from USDA and states. I urge USDA to clarify when written translations must be used, when oral interpretation will suffice, and how to communicate with parents with limited literacy.

USDA could also strengthen implementation of Congress' standard by supplementing policy guidance with technical assistance. USDA already provides support by making available school meals enrollment materials in 25 languages. School districts around the country need to know where to find these materials and how to obtain oral interpretation services if written materials are not available. USDA could identify and share best practices so that school districts in geographic areas that are experiencing an influx of families who do not speak English fluently will have resources to help them best serve all families with children attending their schools.

Moreover, USDA needs to hold school districts accountable for compliance. For example, school districts could be required to have a written plan in place explaining how families with limited English proficiency will be served. Plus, all reviews of state and local program operations should include a review of compliance with the requirements related to communications with households.

It is unfortunate that several years after Congress took action to ensure that communications with families would be understandable to all families, regardless of what language is spoken at home, we still have so far to go. I call on the USDA to take action quickly to fully implement these standards. Every eligible child should be able to get the healthy meals that the federal government provides and language should not be a barrier to good nutrition. Congress, USDA, states, and school districts must continue to work together to make that goal a reality.

Mr. VAN HOLLEN. Madam Speaker, I rise to support the Healthy, Hunger-Free Kids Act of 2010. This important legislation will expand access to school meals programs and improve nutritional quality. It is a much-needed step forward for the health of America's children.

This bill improves access to school meals programs by streamlining certification of children who meet income requirements without burdensome applications. It provides more universal meal access for eligible children in high-poverty areas. And it increases the number of out-of-school meals for low-income children by allowing reimbursement for Child and Adult Care Food Program providers.

The bill also makes important improvements to the quality of school meals by increasing the reimbursement rates for schools for the first time in over 30 years. Additional grants will help communities establish and strengthen farm-to-school networks and school gardens to use more local foods in school cafeterias. And the bill strengthens nutrition standards for all food served in schools.

This bill is not perfect. I am concerned about using the SNAP program as an offset, and I look forward to working with the Administration to restore those funds before cuts take place in 2013. But this bill, which passed the U.S. Senate unanimously, makes important changes to school nutrition programs and will improve the health of our nation's children. I urge my colleagues to support this legislation.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of S. 3307, the Healthy, Hunger-Free Kids Act, which would reauthorize child nutrition programs including the National School Lunch Program, the Child and Adult Care Food Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children.

As a co-chair of the Congressional Olympic and Paralympic Caucus, I have worked to promote physical fitness and a healthy lifestyle for our nation's children. Physical activity and nutrition are key factors in staying healthy and avoiding chronic illness. Because good health habits begin in childhood, this legislation will go a long way in preventing many chronic diseases.

This bill, which is fully offset, provides greatly needed improvements to our country's child nutrition programs in school and child care settings. This legislation will increase program enrollment and make it easier for low-income children to access benefits. This measure also contains the most significant improvements to these programs in more than 30 years in order to reduce childhood hunger and obesity.

I am also pleased that this legislation establishes national nutrition standards for all foods sold in schools throughout the day—an area in which Rhode Island has led. With 79,000 Rhode Island children participating in the National School Lunch Program and 26,000 participating in the School Breakfast Program, S. 3307 will ensure students do not go hungry throughout the school day by providing access to nutritious meals. This measure also increases funding for school nutrition programs for purchasing fruits, vegetables and nuts, and creates more avenues for produce to flow from local farmers to schools.

While I do not support the elimination of a Supplemental Nutrition Assistance Program temporary benefit increase provided by The American Recovery and Reinvestment Act included in this bill, I will work vigilantly to restore this cut before it goes into effect in 2013.

I encourage all of my colleagues to support this important measure.

Mr. HINOJOSA. Madam Speaker, I rise today in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010, legislation that will reduce childhood hunger by increasing access to nutritious meals year round, improve the nutritional quality of meals children eat in and outside of school, and support school and community efforts to reduce childhood obesity.

According to the United States Department of Agriculture, USDA, nearly one in four children in the United States is food insecure: that is more than 16 million children who face hunger each day.

In the Río Grande Valley of south Texas, approximately 85 percent of the students in our region are eligible for Free and Reduced Price Meals under the National School Lunch Program. In the State of Texas, 24.3 percent of children live in food insecure households—the second highest rate in the country—compared to 18.9 percent nationwide, according to 2006–2008 data from USDA and Feeding America.

Childhood obesity is also an issue of great concern for the State of Texas. This critically important issue has been linked to the lack of nutritious foods in our nation's schools and communities. According to a report issued by Trust for America's Health and the Robert Wood Johnson Foundation in 2010, Texas ranked seventh in child obesity among the states. Approximately 20.4 percent of Texas children are obese.

In order to keep health care costs down, our nation must do more to prevent obesity and diabetes in our schools and communities. Reducing the prevalence of obesity and diabetes will have an enormous positive impact on my constituents' quality of life, while making their health care more affordable.

We know that children who are hungry or obese are more likely than their peers to suffer from hyperactivity, absenteeism, and low academic achievement. This bill will help improve child nutrition for millions of children,

particularly for low-income children who need to be healthy and ready to learn to succeed in school.

The passage of S. 3307 is the first step in addressing child nutrition. The second step is restoring cuts to future SNAP benefits.

I urge my colleagues, on both sides of the aisle, to vote for S. 3307, an investment of $4.5 billion over 10 years that supports our children in thriving physically and academically and in leading healthy lives.

Mr. DEFAZIO. Madam Speaker, as food insecurity and obesity rates grow in Oregon and around the country, increasing access to affordable and nutritious meals for our children inside and outside of school could not come at a better time. Unfortunately, S. 3307, The Healthy, Hunger-Free Kids Act of 2010, is partially offset by cutting future Supplemental Nutrition Assistance Program, SNAP, benefits. While I believe this is important legislation, cutting SNAP benefits for families to pay for a hunger prevention programs is illogical, and isn't something that I could support. Today, a staggering 20 percent of Oregonians rely on SNAP benefits to pay for their basic food needs, which is the fourth-highest participation rate amongst all states.

I wasn't alone in opposing the cuts to SNAP benefits included in S. 3307. I signed a letter to House leadership, with over 100 of my colleagues, expressing our opposition to these cuts. I was hopeful, that by postponing a vote in the House of Representatives on S. 3307, Congress, along with the Administration, could renegotiate the SNAP offset. While the Administration has promised to work to restore lost SNAP benefits, staggering deficits along with new Leadership in the House of Representatives, has created no clear path to reinstating future SNAP benefits.

Meal programs inside and outside of school serve as a direct line to prevent hunger for needy children. I will continue to support child nutrition legislation that doesn't cut critical SNAP benefits.

Mr. DINGELL. Madam Speaker, I rise today to support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. This legislation has been a priority of the Obama Administration, and in particular the First Lady, because it is the right thing to do. Together the President and the First Lady have started a national conversation about why reducing child hunger and childhood obesity are laudable goals and I commend them for this. While this is not a perfect bill, today the House has the opportunity to send to the President a bill which will make historic investments and significant improvements to child nutrition programs.

For far too many students, the only quality meal they can count on is the one they receive during the school day, which is why I believe this legislation is critical to pass before the end of the 111th Congress. Last year in Michigan, more than 911,000 students counted on the National School Lunch Program to provide them with a meal. With one in five children living in poverty, the need to provide an affordable, healthy meal at school is greater than ever.

Furthermore, at a time when we are facing a growing child obesity epidemic, it is often difficult to find healthful foods in our nation's schools. That is why I support this legislation's goal to raise nutritional standards, increase the federal reimbursement rate for school lunch programs, and reduce availability of high-calorie junk food which crowds out healthier food options. Our students deserve access to more fresh, local food and healthy options during the school day.

If enacted, this legislation would provide Michigan with $8,391,000 to improve the nutritional quality of school lunches for low-income children across our State, as well as improve access to programs for school meals. Our schools will now receive an additional 6 cents per meal to help meet new meal standards. In addition, this legislation will help ensure the safety of the meals we are serving our students, by improving recall procedures and extending food safety requirements.

I am, however, gravely concerned though about the Senate's decision to pay for this legislation by using $2.2 billion in future cuts to the Supplemental Nutrition Assistance Program or food stamp program. With 1.75 million Michigan residents relying on SNAP to put dinner on the table, this cut is irresponsible. It is my hope that President Obama will follow through on his commitment to replace this offset before these SNAP cuts slash food budgets for needy Michigan families.

Madam Speaker, I have often said that we cannot let the perfect be the enemy of the good, which is why I lend my support to today's bill. I hope my colleagues will join with me in passing the Healthy, Hunger-Free Kids Act, sending it to President Obama's desk before Christmas.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired. Pursuant to clause 1(c) of rule XIX, further consideration of this bill is postponed.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 239, nays 178, not voting 16, as follows:

[Roll No. 593]

YEAS—239

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth
Young (AK)

NAYS—178

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica