

CHILD NUTRITION AND WIC REAUTHORIZATION

SUMMARY OF THE HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Sec. 101. Improving direct certification	- Provides performance bonus in no more than 15 States for “outstanding performance” and “substantial improvement” in direct certification for SY’s beginning July 2011, 2012, 2013 <i>Funding:</i> \$4m per year mandatory funding. \$2m for each category (Oct. 1, 2011 through Oct. 1, 2013) - Requires continuous improvement plans for States not meeting thresholds for direct certification with SNAP (80% in SY 2011; 90% in SY 2012; 95% SY 2013 and each year thereafter). Secretary must annually identify States that don’t meet the threshold and approve their corrective action plan - Eliminates letter method as acceptable method for direct certification with SNAP
Sec. 102. Categorical eligibility of foster child	Expands categorical eligibility for free meals to a foster child who is the responsibility of the State or placed by a court
Sec. 103. Direct certification for children receiving Medicaid benefits.	- Directs the Secretary to conduct a demonstration project to test the potential for direct certification with Medicaid in selected LEAs. (Multi-year phase in provided). <i>Funding:</i> \$5 million mandatory funding for study available until expended - Directs the Secretary to estimate the effect on meal program cost and participation for each of 2 years. Interim Report to Congress due October 1, 2014; Final report due October 1, 2015. - Provides access to data for the purposes of conducting program monitoring, evaluations and performance measurements of state and LEAs participating in the CNPs.
Sec. 104. Eliminating individual applications through community eligibility	- Meal program claims based on percentage of enrolled students directly certified multiplied by a factor of 1.6; Participating schools must meet a threshold of students directly certified (initially 40%) and agree to serve all meals free; the Secretary and State agencies are required to annually notify eligible local educational agencies. Evaluation is required and funded, and a report to Congress is due December 2013. <i>Funding:</i> On October 1, 2010, mandatory funding, \$5m, one time funding for evaluation available until 9/30/2014 - Census American Community Survey: Directs the Secretary to identify alternatives to annual applications and authorizes nationwide implementation or further pilot testing of recommendations from the Committee on National Statistics on use of ACS data for School Meal Claiming. <i>Funding:</i> None - Requires the Secretary to consider use of a socioeconomic survey for counting and claiming in not more than 3 school districts. Establishes parameters for conduct of the survey.
Sec. 105. Grants for expansion of school breakfast program.	Authorizes appropriations for grants to State agencies for subgrants to local educational agencies to establish, maintain or expand the School Breakfast Program.

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Sec. 111. Alignment of eligibility rules for public and private sponsors (SFSP)	- Removes limits on the number of sites that private nonprofit organizations may operate in SFSP. <i>Funding:</i> None
Sec. 112. Outreach to eligible families (SFSP & SBP)	- Requires each State agency administering the SFSP to ensure SFAs cooperate with participating SFSP service institutions to inform families of the availability and location of SFSP and the SBP. <i>Funding:</i> None
Sec. 113. Summer Food Service Support Grants	- Authorizes grants to State agencies to provide technical assistance, assistance with site improvement costs, or other activities to retain sponsor retention. <i>Funding:</i> Authorization to appropriate \$20 million for the period of fiscal years 2011 through 2015
Sec. 121. Simplifying area eligibility determinations in CACFP	- Allows use of all levels of school data for tiering determinations [Currently only elementary data may be used]. <i>Funding:</i> None
Sec. 122. Expansion of afterschool meals for at risk children	- Expands CACFP afterschool meals for at risk children to all states - Requires USDA to issue guidelines and publish a handbook within 180 days after enactment. <i>Funding:</i> Mandatory funding, amount determined by meals x rate formula
Sec. 131. WIC certification periods	- Provides State agencies the option of certifying participant children for up to one year [currently the certification period is 6 months]. <i>Funding:</i> None (funds will be appropriated based, in part, on participation levels from previous year)
Sec. 141. Childhood Hunger Research	- Requires the Secretary to conduct research on the causes and consequences of hunger and food insecurity <i>Funding:</i> On October 1, 2012, mandatory funding (\$10 million, available until expended) - Requires the Secretary to conduct demonstration projects to test alternative models for service delivery and benefit levels. <i>Funding:</i> On October 1, 2012, mandatory funding (\$40 million available until 9/30/17)
Sec. 142. State childhood hunger challenge grants	- Authorizes competitive grants to Governors to carry out strategies to end childhood hunger. <i>Funding:</i> Authorization to appropriate.
Sec. 143. Review of local policies on meal charges and provision of alternate meals	The Secretary, in conjunction with State and LEAs, shall examine current policies and practices relating to providing children who are without funds a meal. USDA is provided the authority to act on appropriate solutions. <i>Funding:</i> None

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Sec. 201. Performance based reimbursement rate increases for new meal patterns.	- Provides an additional 6 cents per lunch for schools that are certified to be in compliance with final meal pattern regulation. <i>Funding:</i> Additional rate increases is 6 cents per meal, adjusted annually for changes in CPI; \$50 million in mandatory funding for each of 2 years for State implementation, of which \$3 million is available for each of 2 years for USDA administration.
Sec. 202. Fluid milk (NSLP/SBP)	Removes requirement that schools serve milk in a variety of fat contents and instead requires that schools offer a variety of fluid milk consistent with the Dietary Guidelines' recommendations. <i>Funding:</i> None
Sec. 203. Water (NSLP/SBP)	- Requires schools to make free potable water available where meals are served. <i>Funding:</i> None
Sec. 204. Local wellness policy implementation	- Requires USDA to establish regulations for local wellness and to provide technical assistance to States/schools in consultation with ED & HHS (CDC). <i>Funding:</i> None. Authorization to appropriate \$3 million for FY 2011 to remain available until expended
Sec. 205. Equity in school lunch pricing	- Effective SY beginning July 1, 2011, schools are required to charge students for paid meals at a price that is on average equal to the difference between free meal reimbursement and paid meal reimbursement; Schools that currently charge less are required to gradually increase their prices over time until they meet the requirement; Schools may choose to cover the difference in revenue with non-Federal funds instead of raising paid meal prices. - Establishes a maximum annual increase in the required paid increases of 10 cents annually, but allows schools to establish a higher increase at their discretion.
Sec. 206. Revenue from nonprogram food (NSLP)	- Requires all non-reimbursable meal foods sold by school food service to generate revenue at least equal to their cost. - Provision is effective July 1, 2011. <i>Funding:</i> None
Sec. 207. Reporting and notification of school performance	- Requires USDA to consolidate the Coordinated Review Effort (CRE) and School Meal Initiative (SMI) monitoring systems. - Requires States to review all school food authorities on a 3 year cycle [Current cycle is 5 years] - Requires schools to post review final findings and make findings available to the public. <i>Funding:</i> None
Sec. 208. Nutrition standards for all foods sold in schools	Requires USDA to establish national nutrition standards for all food sold and served in <i>schools at any time during the school day</i>



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	- Allows exemptions for school sponsored fundraisers if the fundraisers are approved by the school and are infrequent <i>Funding:</i> None
Sec. 209. Information for the Public on the School Nutrition Environment	- Requires LEAs to report on the school nutrition environment to USDA and to the public, including information on food safety inspections, local wellness policies, school meal program participation, nutritional quality of program meals, etc. <i>Funding:</i> None. Authorizes such sums as necessary for FY 2011 through 2015
Sec. 210. Organic food pilot program	- Requires the Secretary to establish an organic food pilot which provides competitive grants to SFAs for programs that increase the quantity of organic food provided to school children. <i>Funding:</i> None. Authorizes \$10 million to be appropriated for FY 2011 through 2015.
Sec 221. Nutrition and wellness goals in CACFP	- Adds nutrition and wellness to program purpose statement - Requires USDA to review and update nutrition standards and meal costs - Allows for fluid milk substitutes; requires fluid milk substitutes for non-disabled children to be nutritionally equivalent to milk (same as existing requirement for schools). - Requires USDA to encourage physical activity and limit screen time - Requires institutions/homes to make water available - Requires USDA to provide guidance improving meal quality and the child care wellness environment <i>Funding:</i> \$10 million mandatory funding on October 1, 2010 available until expended
Sec. 222. CACFP interagency coordination to promote health and wellness in child care licensing	- Requires USDA, in cooperation with DHHS, to encourage state licensing entities to include criteria for nutrition and wellness standards in licensing determinations. <i>Funding:</i> None
Sec. 223. Study on nutrition and wellness (CACFP)	- Requires a periodic study of nutrition and wellness quality in child care settings, in consultation with DHHS. <i>Funding:</i> on Oct. 1, 2010, \$5 million in mandatory funds for USDA to conduct study, available until expended
Sec. 231. Support for breastfeeding in WIC	- Requires a program to recognize exemplary breastfeeding practices at local agencies. <i>Funding:</i> Authorizes the expenditure from appropriated funds, such sums as necessary - Provides performance bonuses for States with high and most improved breast feeding rates. <i>Funding:</i> Increased the authorization for expenditure from appropriated funds for peer counseling program from \$20 million to \$90 million, of which \$10 million is for performance bonuses. USDA is directed to provide the first bonuses not later than 1 year after enactment

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	- Requires data collection on the number of fully and partially breast fed infants at state and local level - Allows the Secretary to use up to \$5 million in available funding annually for federal administrative costs related to management information systems. - Requires WIC food package review every 10 years. <i>Funding:</i> None
Sec. 232. Review of available supplemental foods (WIC)	
Sec. 241. Nutrition Education and Obesity prevention grant program	- Allows States to implement nutrition education and obesity prevention programs through a State plan approved by the Secretary; Formula funding adjusted annually for inflation after 2011. Replaces 50% match with capped grants. <i>Funding:</i> Mandatory funding for FY 2011 of \$375 million; subsequent years adjusted for inflation
Sec. 242. Procurement and processing of food service products and commodities	- Requires USDA to identify, develop and disseminate model product specs and practices for food offered - Within 1 year of enactment, USDA must analyze the quantity and quality of nutrition information available to schools about food products and commodities and submit a report to Congress on the results of the study and recommended legislative changes necessary to improve access to information - Directs the Secretary to purchase healthy commodities <i>Funding:</i> None
Sec. 243. Access to Local Foods: Farm to School Program	- Requires USDA to provide competitive grants that do not exceed \$100,000 to schools, State and local agencies, ITOs, etc for farm to school activities. Federal share cannot exceed 75% of total cost. <i>Funding:</i> Provides \$5 million in mandatory funding on October 1, 2012 and each October 1 thereafter, to remain available until expended. Retains authorization for appropriation of additional funds.
Sec. 244. Research on strategies to promote the selection and consumption of foods	- Directs the Secretary, in consultation with DHHS, to develop a research, demonstration and technical assistance program to promote healthy eating using behavioral research; Allows Secretary to use 5 percent of funding for administrative costs. <i>Funding:</i> None, authorization for appropriations
Sec. 301. Privacy protection (NSLP)	- The individual signing the free and reduced price application is only required to provide the last 4 digits of the social security number; under current requirements they must provide the complete social security number. (The person signing the application may continue to indicate they don't have a social security number.) <i>Funding:</i> None - Removes requirement to collect social security number for verification.

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Sec. 302. Applicability of food safety program	• Applies the food safety requirements throughout the school campus where program foods are stored, prepared and served. • <i>Funding:</i> None
Sec. 303. Fines for violating program requirements	• Establishes criteria and sets the amount of fines that may be imposed upon States, SFAs, schools or service institutions for gross mismanagement • <i>Funding:</i> None
Sec. 304. Independent review of applications	• Requires error-prone local educational agencies to conduct a second-level, independent review of all free and reduced price applications prior to notifying households of their eligibility status • Establishes annual reporting requirements for each local educational agency required to conduct second-level review of applications. State agencies must also annually report results to USDA • <i>Funding:</i> None
Sec. 305. Program evaluation	• Requires State and local cooperation in USDA studies. • <i>Funding:</i> None
Sec. 306. Professional standards for school food service	• Establishes a program of required education, training, and certification for all school food service directors and criteria for the selection of state directors • Requires USDA to set dates for compliance • <i>Funding:</i> October 1, 2010 - \$5 million; on each October 1 thereafter - \$1 million
Sec. 307. Indirect costs	• Authorizes and funds a study of indirect costs in the School Meal Programs. • <i>Funding:</i> \$2 million in mandatory funding available until expended • Requires USDA to identify the types of costs that are reasonable and necessary to provide school meals. • Requires USDA to issue guidance • Authorizes USDA to promulgate regulations to allow schools to reimburse only those costs. • Requires a report to Congress.
Sec. 308. Ensuring safety of school meals	• FNS must: • work with AMS and FSA must develop guidelines for administrative holds • work with States to increase timeliness of notification of recalls to SFAs • improve timeliness and completeness of direct communication between FNS and States on holds and recalls • establish a timeframe to improve hold and recall procedures and work to address role of processor and distributor • <i>Funding:</i> None

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Sec. 321. SFSP Permanent Operating Agreements	• Requires permanent agreements; describes the conditions for updates or termination. <i>Funding:</i> None
Sec. 322. SFSP disqualification	• Directs USDA to establish disqualification requirements in SFSP similar to those in CACFP. <i>Funding:</i> None
Sec. 331. Review of application material and permanent agreements (CACFP)	• Requires CACFP State agencies to enter into permanent agreements with institutions • Requires States to develop standard agreements between sponsoring organizations and sponsored centers. • Requires State agencies and sponsoring organizations to conduct announced and unannounced visits • Authorizes the Secretary to develop policies to detect, deter and recover erroneous claims but prohibits the Secretary from requiring site visits triggered by a block claim • <i>Funding:</i> None
Sec. 332. State liability for payments to aggrieved CACFP institutions	• Requires a State agency to pay, from non-Federal sources, all valid claims for reimbursement resulting from the failure of the State agency to meeting regulatory timeframes for fair hearings. • <i>Funding:</i> None
Sec. 333. Transmission of income information (CACFP)	• Allows family day care homes to assist in transmitting household income information to sponsoring organizations • Requires USDA to establish policies. • <i>Funding:</i> None
Sec. 334. Simplifying and enhancing administrative payments to sponsoring organizations (CACFP)	• Removes cost comparison as basis for sponsor administrative payments, making reimbursements based solely on the number of sponsored homes times the reimbursement rates. • Allows sponsors to carry over 10% of their administrative funds into the next fiscal year. • <i>Funding:</i> None
Sec. 335. CACFP audit funding	• Permits USDA, beginning in FY 2016, to increase the amount of audit funding made available to any State agency if the State demonstrates it can effectively utilize such funds to improve program, provided that the total amount of funds does not exceed specified levels. • <i>Funding:</i> None
Sec. 336. Reducing paperwork and improving program administration (CACFP)	• Requires the Secretary to work with states and institutions to review and assess paperwork in CACFP and make recommendations • Requires a report to Congress on CACFP administrative and paperwork burdens within 4 years. • <i>Funding:</i> None
Sec. 337. Study of CACFP supper program	• Requires a study and Report to Congress. Report must address best practices for soliciting sponsors and any federal or state laws that may be a barrier to participation.

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	<i>Funding:</i> None
Sec. 351. Sharing of materials (WIC)	- Allows USDA to provide materials developed for WIC to CSFP and CACFP. <i>Funding:</i> None
Sec. 352. WIC program management	- Increases WIC research funding from \$5 to \$15m - Allows recording of WIC rebate payments in the month received - Allows infrastructure and MIS funding to be annually inflated for adjustment - Provides technical changes to WIC EBT requirements, including requiring the Secretary to establish national technical standards, minimum lane coverage requirements and limitations on the imposition of costs on vendors - Mandates EBT by October 1, 2020; requires States to report annually to USDA on EBT implementation status - Funds UPC Data base; requires completion in 2 years <i>Funding:</i> On October 1, 2010 and each October 1 thereafter, \$1 million in mandatory funding to remain available until expended
Sec. 361. Full use of federal funds	- Requires Federal/State agreements to support full use of Federal funds and excludes such funds from State budget limitations <i>Funding:</i> None
Sec. 362. Disqualified schools and institutions	- Prohibits any school, institution, or individual terminated from the Child Nutrition Programs and on a list of disqualified institutions from participating in the Child Nutrition Programs. <i>Funding:</i> None
Sec. 401. Commodity support	Extends 12% bonus commodity provision through 2020
Sec. 402. Food safety audits and reports by states	Extends food safety audit and reporting requirement by states (sec. 9(h) of the NSLA) through 2015
Sec. 403. Procurement Training	Extend authority for procurement training (sec. 12(m) of the NSLA) through 2015
Sec. 404. Authorization of SFSP	Extends SFSP through 2015
Sec. 405. Year round services for eligible entities. (CA)	Extends existing year-round SFSP pilot program in California through 2015
Sec. 406. Training, technical assistance, and food service	- Provides Food Service Management Institute with annual mandatory funding of \$5 million. <i>Funding:</i> On October 1, 2010 and each October 1 thereafter provides \$5 million (increased from \$4 million)

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management institute	
Sec. 407. Federal administrative support	Increases annual Federal funding for technical assistance from \$2 million to \$4 million and makes permanent
Sec. 408. Compliance and accountability	- Extends authority for federal Coordinated Review Effort (CRE) funding through 2015 and increases amount. <i>Funding:</i> Increased funding from \$6 million to \$10 million annually.
Sec. 409. Information clearinghouse	Extends clearinghouse through 2015.
Sec. 421. Technology infrastructure improvement	- Extends authority for technology infrastructure grants to local educational agencies through 2015. <i>Funding:</i> None
Sec. 422. State administrative expenses (SAE)	Extends authority for State administrative expense funds through 2015
Sec. 423. Special supplemental nutrition program for women, infants, and children	Extends the WIC Program through 2015
Sec. 424. Farmers market nutrition program	Extends the WIC Farmers Market Nutrition Program through 2015
Sec. 441. Technical amendments	- Makes technical changes to section 9 (f) NSLA to accommodate new meal pattern changes - Eliminates several obsolete provisions from NSLA
Sec. 442. Use of unspent future funds from the American Recovery and Reinvestment Act of 2009	Provides an offset for the bill by reducing the increased allotment in future years provided for SNAP recipients through ARRA.
Sec. 443. Equipment assistance technical correction	Technical fix to FY 2010 Appropriations language regarding NSLP equipment assistance grants.
Sec. 444. Budgetary effects	PAYGO requirements of the Act have been met.
Sec. 445. Effective date	Unless otherwise noted in the Act, the provisions are effective October 1, 2010.