Implementation Plan: Healthy, Hunger-Free Kids Act of 2010

Reg #	Provisions/Sections of Law	Statutory Deadlines for Actions	Actions and Estimated Timeframes
Child Nutrition Programs			
1	**Dietary Guidelines for School Meals** (sec 201, 202) • Includes fluid milk provision from sec 202	The law requires USDA to issue a proposed rule within 18 months of enactment, and an implementing rule within 18 months of issuance of the proposal.	• Proposed Rule published (January 2011, 90-day comment period ends April 2011) • Status Report to Congress (March 2011 + quarterly) • Proposed Rule comment analysis (Spring 2011) • Interim or Final Rule published (Winter 2012)
2	**Competitive Foods** (sec 208, 203) • Includes water provision from sec 203	The law requires USDA to issue a proposed rule on competitive foods within 1 year of enactment (by 12/13/11), and has restrictions on when the implementing rule can take effect to give schools sufficient lead time.	• Status Report to Congress (March 2011 + quarterly) • Notice - Request for Information (Spring 2011) • Proposed Rule published (December 2011) • Final Rule published (Summer 2013)
3	**Compliance/Certification for New School Meal Patterns** (sec 201, 207) • Certification for 6 cent performance based reimbursement rate increase (sec 201) • State agency monitoring (sec 207)	The reimbursement rate increase is effective the later of: 10/1/12 or publication of the implementing regulations for school meals. (Procedures for certification	• Proposed Rule published (Spring 2012) • Implementation Memo on State certification of schools (Spring 2012) • Funding allocation memo for State agencies (Spring 2012)

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		must be in place when reimbursement becomes available.) Funding for State agency implementation of new requirements is available for two years beginning the fiscal year of publication of the implementing regulations for school meals.	• Interim or Final Rule published (Spring 2013)
4	**School Food Service Account Revenue** • Paid Meal Pricing (sec 205) • Revenue from a la carte Foods (sec 206)	Effective School Year beginning 7/1/11.	• Nondiscretionary Interim Rule (Spring 2011) • Monitor impact on participation (ongoing)
5	**Direct Certification Continuous Improvement Plans and State Bonuses** (sec 101)	Requirement for plans is based on direct certification results from SY 2011/2012, which is reported to FNS in April 2012. State bonus payments ($4 million total per year) are available for performance in SY's beginning July 2011, 2012 and 2013.	• Implementation Memo with criteria for State bonuses and use of funds (Spring 2011) • Implementation Memo on threshold requirements and continuous improvement plans (Spring 2011) • Proposed Rule published (Fall 2011) • Issue bonus awards to States (no later than September 2012, 2013 and 2014)

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			• Identify and notify States that do not meet required threshold (Fall 2012 + annually) • Approve State plans (Fall 2012 + annually) • Final Rule published (Winter 2013)
6	**CACFP Meal Patterns** (sec 221)	The law requires USDA to publish a proposed rule within 18 months of meal pattern review.	• Review IOM Report on CACFP Meal Patterns (published 11/4/10) • Proposed Rule published (no later than June 2012) • Final Rule published (Fall 2013)
7	**Community Eligibility** ("Provision 4") (sec 104(a))	Effective in 3 selected States beginning 7/1/11; in 3 additional States 7/1/12; in 4 additional States 7/1/13; nationwide beginning 7/1/14. The law requires USDA to issue "guidance to implement" this provision by 3/13/11, and to promulgate "regulations that establish procedures" by 12/31/13.	• Issue guidance/Request for Applications (3/13/11 + annually through 2013) • Notify selected States for 1st year of phase-in (Spring 2011 + annually through 2014) • Proposed Rule published (Spring 2012) • Interim or Final Rule published (no later than December 2013)

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N/A	**Direct Certification with Medicaid** (sec 103)	Beginning July 2012, 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).	• No regulation needed • Release Request for Applications for Demonstration Project (Spring 2011) • Select LEAs for 2012 demo (Fall 2011)
	SNAP		
1	SNAP Ed Provision (sec 241)	October 1, 2010	• Implementation Memo (issued January 2011) • Federal Register publication describing requirements to receive a grant under this provision (January 2012)
	Other Child Nutrition Provisions		
8	**Miscellaneous Nondiscretionary Provisions** • Categorical Eligibility Foster Children (sec 102) • SFSP Eligibility Rules for Nonprofits (sec 111) • Outreach to Eligible Families-SBP/SFSP (sec 112) • CACFP Area Eligibility (sec 121) • Privacy Protection (sec 301) • Applicability of food safety program (sec 302) • SFSP Permanent Agreements (sec 321) • CACFP Permanent Agreements (sec 331)		• Implementation Memo for each provision (December 2010 through Spring 2011) • Issue revised SFSP Handbooks to reflect new program requirements (Completed February 2011) • Update prototype free and reduced price applications (Spring 2011) • Update School Meal Eligibility Guidance (Spring 2011)

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			• Notify stakeholders of change needed to computer systems due to change in SSN collection (Winter 2011) • Update food safety guidance to reflect meal service outside of the cafeteria (Summer 2011) • Final rule (Fall 2011)
9	**Omnibus CACFP Provisions** • Unannounced visits, sponsor/center agreements, one-time applications w/annual updates (sec 331) • State Liability for Payments (sec 332) • Transmission of Income Information (sec 333) • Sponsor Administrative Funds (sec 334) • CACFP Audit Funding (sec 335)	The CACFP Audit Funds provision becomes effective in FY 2015.	• Implementation Memos (December 2010 through Spring 2011) • Proposed Rule (Fall 2011) • Final Rule (Fall 2012)
10	**Local Wellness Policies/School Nutrition Environment** • Wellness policy requirements (sec 204) • Information for the public on the school nutrition environment (sec 209)		• Implementation Memo (Spring 2011) • Develop plan with CDC and ED for technical assistance activities (Spring 2011) • Coordinate with ED on information for the public on nutrition environment (ongoing) • Proposed rule (Fall 2011)

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			• Final rule (Fall 2012)
11	**Professional Standards for School Food Service** (sec 306)		• Establish action plan and form committee to recommend appropriate standards (Spring 2011) • Enter into contract for development of training modules, as defined by committee (Fall 2011) • Proposed Rule (Fall 2012) • Enter into contract for ongoing certification of local directors and personnel (2012) • Final Rule (Fall 2013)
12	**Independent Review of Applications** (sec 304)		• Implementation Memo (Winter 2012) • Proposed rule (Winter 2012) • Final rule (Winter 2013)
13	**Fines and Program Disqualifications** • Program Fines (sec 303) • SFSP Disqualification (sec 322) • Disqualification (sec 362)		• Proposed Rule (Spring 2012) • Final Rule (Spring 2013)

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14	**Program Evaluation** (sec 305) **Full Use of Federal Funds** (sec 361)		• Implementation Memos (Winter 2011) • Final Rule (Summer 2011)
	Direct Certification: Use of Letter Method (sec 101)		• Implementation memo (issued January 2011) • Include in existing interim rule on direct certification currently in clearance (Spring 2011)
	Census Data/Socioeconomic Surveys (sec 104(b))		• Review Report from CN Stat and identify options for moving forward (report expected Fall 2011) • Develop and issue socioeconomic survey parameters (Fall 2011) • Select schools for socioeconomic survey option (Spring 2012)
	CACFP At-Risk Afterschool Meals (sec 122)	The law requires USDA to issue guidelines and publish a handbook within 180 days of enactment, and to update annually.	• Implementation Memo (issued 12/10) • Publish handbook on afterschool meals (June 2011 + annual updates)
	Review of local policies on meal charges and provision of alternate meals (sec 143)	The law requires USDA to prepare a report with recommendations, but no timeframe is specified.	• Analyze data from Year 1 of School Nutrition Operations Study (Fall 2011) • Convene workgroup (Winter 2012)

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			• Draft report enters clearance (Fall 2012)
	CACFP Nutrition and Wellness – technical assistance activities (sec 221)	The law requires USDA to provide a guidance handbook, not later than January 1, 2012, on improving meal quality and the child care wellness environment.	• Hold initial meeting with DHHS (Winter 2011) • Develop technical assistance plan (Summer 2011) • Publish handbook (January 2012)
	Interagency coordination to promote health and wellness in child care licensing (sec 222)		• Present issue to Healthy Kids Healthy Futures Workgroup (Winter 2011) • Meetings with Federal Partners, including DHHS Child Care Bureau + CDC to develop and implement action plan (ongoing)
	Procurement and processing of food service products and commodities (sec 242)	Within 1 year of enactment, the law requires USDA to analyze the quantity and quality of nutrition information available to schools and food products and commodities and submit a report to Congress, including recommendations to improve access to information.	• Collect data on availability of nutrition information through SN Operations Study (data expected Fall 2011) • Develop and issue specs (ongoing) • Report to Congress (December 2011)
	Farm to School Grants (sec 243)	Funding for grants of $5 million per year becomes	• Release Request for Applications for first year of grants (Winter 2012)

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		available beginning October 1, 2012.	• Award first-year grants (Fall 2012) (cycle repeats annually)
	Indirect Costs (sec 307)	The law requires USDA to issue guidance to school food authorities with rules on indirect costs and the nonprofit school food service account, within 180 days of enactment.	• Issue guidance on indirect costs (June 2011) • Award evaluation contract (Summer 2011) • Report to Congress (October 1, 2013)
	Ensuring safety of school meals (sec 308)		• Tasks under development
	CACFP Paperwork Reduction (sec 336)	The law requires that USDA report to Congress on CACFP administrative and paperwork burdens within 4 years of enactment.	• Hold initial stakeholder discussion (Spring 2011) • Convene Paperwork Reduction Meeting with State and Local representatives (Fall 2011) • Draft report to Congress enters clearance (Spring 2014)
	Food safety audits and reports by States (sec 402)		• Implementation Memo (Issued January 2011)
	Year Round Services for Eligible Entities (sec 405)		• Letter to California (Issued December 2010)

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	Equipment Assistance Technical Correction (sec 443)		• Implementation Memo (Issued December 2010)
	Research and Evaluation Activities		
	Direct certification for children receiving Medicaid benefits (Sec. 103)	• Interim report to Congress by October 1, 2014 • Final report to Congress by October 1, 2015	• Release Request for Proposals for Evaluation (Spring 2011) • Release Request for Applications for Demo (Spring 2011) • Select LEAs for 2012 Demo (Fall 2011) • Award Evaluation Contract (Winter 2012) • Interim report to Congress (October 2014) • Final report to Congress (October 2015)
	Eliminating individual applications through community eligibility (Sec. 104 (a))	Evaluation report must be published by December 31, 2013	• Release Request for Proposals for Evaluation (Spring 2011) • Award Evaluation Contract (Fall 2011) • Report enters clearance (Fall 2013)

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	Childhood Hunger Research and Demonstration Projects to End Childhood Hunger (Sec. 141)	• Report to Congress by December 13, 2011 on Indian Reservations and hunger • Report to Congress by December 31, 2013 and annually thereafter until completion of the projects	• Establish workgroup with HHS, Labor, HUD (Fall 2011). • Develop and publish RFA for demonstration projects (Fall 2012) • Issue RFP for evaluation of projects (Fall 2012). • Release Request for Proposals for Research (Fall 2012) • Award demonstration projects and evaluation contract (Spring 2013) • Annual report to Congress on demo projects (starting Fall 2013) • Report enters clearance (Summer 2015)
	Study on nutrition and wellness in CACFP (Sec. 223)	The Secretary must enter into a contract to conduct the study within 3 years of enactment	• Identify representative(s) from DHHS to collaborate in development of Request for Proposals for study (Winter 2011) • Issue RFP for evaluation of projects (Fall 2012) • Award evaluation contract (nlt December 2013)

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			• Report enters clearance (Fall 2015).
	Study of CACFP Supper Program (sec 337)	The law requires USDA to product a report that identifies best practices and barriers to participation in the supper program, within 1 year of enactment	• Survey States (Summer 2011) • Draft report to Congress enters clearance (Fall 2011)
		WIC	
1	**Nondiscretionary WIC Provisions (sec. 131, 231, 305, 351, 352, 361)** • WIC certification periods, providing WIC State agencies the option to certify participant children for up to one year. • Data collection, requiring annual compilation and publication of the number of fully and partially breast-fed infants at the State and local levels. • Breastfeeding Promotion and Support, expanding nutrition education references to explicitly include breastfeeding promotion and support. • Program evaluation, requiring State and local cooperation in USDA studies. • Sharing materials, permitting WIC State agencies to allow local agencies/clinics to share nutrition education materials developed by the WIC Program with the Child and Adult Care Food Programs at no cost, through written agreements. • Program management, requiring WIC rebate payments to be recorded in the month received and establishing new bid solicitation requirements		• Implementation Memo (February 2011) • Final Rule (Summer 2011) • Provide State agencies with Excel chart to use for data collection (Fall 2011)

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	when seeking rebates for infant formula and other foods. • Use of Federal funds, requiring inclusion of a provision in the Federal/State agreement supporting full use of Federal funds, and excluding such funds from State budget restrictions or limitations including hiring freezes, work furloughs, and travel restrictions.		
2	**WIC EBT Provisions (sec. 352)** • Sets forth the definition of EBT. • Requires all WIC State agencies to implement EBT statewide by October 1, 2020; outlines allowable circumstances for exemption to mandate. • Requires State agencies to submit annual status reports demonstrating their progress toward statewide EBT implementation. • Provides technical changes to WIC EBT requirements, including the establishment of national technical standards and operating rules, minimum lane coverage requirements and limitations on the imposition of costs on vendors. • Requires that EBT technical standards and operating rules be adhered to by State agencies. • Requires all State agencies carrying out EBT to use the national universal product code database; funds database and requires completion by FNS in 2 years.		• Implementation Memo (February 2011) • Proposed Rule (Summer 2011) • Final Rule (TBD)
	Support for breastfeeding in WIC Recognition		• Implementation Plan developed

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	Program (sec. 231) • Requires a program to recognize exemplary breastfeeding practices at local agencies or clinics. • Authorizes the expenditure from appropriated funds, such sums as necessary.		(Winter 2011) • RFI published (Spring 2011) • Comment Period (Spring 2011)
	Performance Bonuses (sec. 231) • Provides performance bonuses to not more than 15 State agencies with highest and most improved breast feeding rates. USDA is directed to provide the first bonuses not later than 1 year after enactment. • Increases the authorization and funding for breastfeeding peer counseling program from $20 million to $90 million, of which not more than $10 million provided in excess of $50 million, is for performance bonuses.		• Establish award criteria and application process (Winter 2011) • First Awards required (Subject to Appropriation) (Winter 2011)
	Review of available supplemental foods (sec. 232) • Requires WIC food package review every 10 years		• Work with ORA
	WIC program management (sec. 352) • Increases authorization of WIC research funding from $5 million to $15m		• Work with ORA
	Special supplemental nutrition program for women, infants, and children (sec. 423) • Extends the WIC Program through 2015		• Letter to Commissioner and letter to State Directors (December 2010)
	Farmers market nutrition program (sec. 424) • Extends the WIC Farmers' Market Nutrition Program through 2015		• Letter to State Directors (February 2011)

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