

I, §§ 126(b)(1), 127, June 30, 2004, 118 Stat. 763, 767; Pub. L. 111-296, title II, § 207, title III, §§ 303, 304, title IV, § 408, Dec. 13, 2010, 124 Stat. 3220, 3240, 3242, 3260.)

## REFERENCES IN TEXT

The Child Nutrition Act of 1966, referred to in subsecs. (a)(1) and (e)(1)(A), (2)(A), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, which is classified generally to chapter 13A (§1771 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of this title and Tables.

Those Acts, referred to in subsec. (a)(1), mean the Richard B. Russell National School Lunch Act, which was in the original “this Act” and was translated to read “this chapter”, and the Child Nutrition Act of 1966. See above.

## PRIOR PROVISIONS

A prior section 1769c, act June 4, 1946, ch. 281, § 22, as added Nov. 10, 1978, Pub. L. 95-627, § 9, 92 Stat. 3623, directed a study of menu choice, prior to repeal by Pub. L. 99-500, title III, § 371(b), Oct. 18, 1986, 100 Stat. 1783-368, and Pub. L. 99-591, title III, § 371(b), Oct. 30, 1986, 100 Stat. 3341-372; Pub. L. 99-661, div. D, title V, § 4501(b), Nov. 14, 1986, 100 Stat. 4080.

## AMENDMENTS

2010—Subsec. (a). Pub. L. 111-296, § 207(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “There shall be a unified system prescribed and administered by the Secretary for ensuring that local food service authorities that participate in the school lunch program under this chapter comply with the provisions of this chapter. Such system shall be established through the publication of regulations and the provision of an opportunity for public comment, consistent with the provisions of section 553 of title 5.”

Subsec. (b)(1). Pub. L. 111-296, § 207(2), added subpars. (A) to (D) and struck out former subpars. (A) and (B) which read as follows:

“(A) require that local food service authorities comply with the provisions of this chapter; and

“(B) ensure such compliance through reasonable audits and supervisory assistance reviews.”

Subsec. (b)(6). Pub. L. 111-296, § 304, added par. (6).

Subsec. (d). Pub. L. 111-296, § 408, substituted “\$10,000,000 for each of fiscal years 2011 through 2015” for “\$6,000,000 for each of fiscal years 2004 through 2009”.

Subsec. (e). Pub. L. 111-296, § 303, added subsec. (e).

2004—Subsec. (b)(3) to (5). Pub. L. 108-265, § 126(b)(1), added pars. (3) to (5).

Subsec. (d). Pub. L. 108-265, § 127, substituted “\$6,000,000 for each of fiscal years 2004 through 2009” for “\$3,000,000 for each of the fiscal years 1994 through 2003”.

1998—Subsec. (d). Pub. L. 105-336 substituted “2003” for “1996”.

1994—Subsec. (d). Pub. L. 103-448 substituted “fiscal years 1994 through 1996” for “fiscal years 1990, 1991, 1992, 1993, and 1994”.

## EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-296 effective Oct. 1, 2010, except as otherwise specifically provided, see section 445 of Pub. L. 111-296, set out as a note under section 1751 of this title.

## EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by section 126(b)(1) of Pub. L. 108-265 effective July 1, 2005, and amendment by section 127 of Pub. L. 108-265 effective June 30, 2004, see section 502(a), (b)(4) of Pub. L. 108-265, as amended, set out as an Effective Date note under section 1754 of this title.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-336 effective Oct. 1, 1998, see section 401 of Pub. L. 105-336, set out as a note under section 1755 of this title.

## EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-448 effective Oct. 1, 1994, see section 401 of Pub. L. 103-448, set out as a note under section 1755 of this title.

## REGULATIONS

Pub. L. 101-147, title I, § 110(b), Nov. 10, 1989, 103 Stat. 889, provided that: “Not later than July 1, 1990, the Secretary of Agriculture shall issue final regulations to implement section 22 of the [Richard B. Russell] National School Lunch Act [this section] (as added by subsection (a) of this section).”

## INTERPRETATION

Pub. L. 108-265, title I, § 126(b)(2), June 30, 2004, 118 Stat. 765, provided that: “Nothing in the amendment made by paragraph (1) [amending this section] affects the requirements for fiscal actions as described in the regulations issued pursuant to section 22(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(a)).”

## § 1769d. 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 title 26, 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 chapter 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 December 13, 2010, 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 7517 of title 7.<sup>1</sup>

**(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 chapter;

(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.).

(June 4, 1946, ch. 281, §23, as added Pub. L. 111-296, title I, §141, Dec. 13, 2010, 124 Stat. 3206.)

REFERENCES IN TEXT

Section 7517 of title 7, referred to in subsec. (b)(7)(D)(iii), was amended generally by Pub. L. 113-79, title IV, §4208, Feb. 7, 2014, 128 Stat. 826, and now relates to the Gus Schumacher nutrition incentive program.

The Food and Nutrition Act of 2008, referred to in subsec. (b)(1)(B), (7)(D)(iv)(III), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

The Child Nutrition Act of 1966, referred to in subsec. (b)(3)(B), (7)(D)(iv)(II), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, which is classified generally to chapter 13A (§1771 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of this title and Tables.

The Emergency Food Assistance Act of 1983, referred to in subsec. (b)(7)(D)(iv)(IV), is title II of Pub. L. 98-8, Mar. 24, 1983, 97 Stat. 35, which is classified principally to chapter 102 (§7501 et seq.) of Title 7, Agriculture. For

<sup>1</sup> See References in Text note below.

complete classification of this Act to the Code, see Short Title note set out under section 7501 of Title 7 and Tables.

#### PRIOR PROVISIONS

A prior section 1769d, act June 4, 1946, ch. 281, §23, as added Nov. 10, 1989, Pub. L. 101-147, title I, §111, 103 Stat. 890, directed Secretary to provide each appropriate State agency with information on income eligibility for free or reduced price meals under each program established under this chapter and the Child Nutrition Act of 1966, prior to repeal by Pub. L. 104-193, title VII, §711, Aug. 22, 1996, 110 Stat. 2301.

#### EFFECTIVE DATE

Section effective Oct. 1, 2010, except as otherwise specifically provided, see section 445 of Pub. L. 111-296, set out as an Effective Date of 2010 Amendment note under section 1751 of this title.

### § 1769e. 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 chapter 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 hun-

ger, 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—