

SS Roll Call #5 defeated

**Amendment Offered by Rep. Schrader (OR)**

**Amendment Description**

Deletes Title IV from the underlying bill and replaces it with Title IV from S. 3240, the Agriculture Reform, Food, and Jobs Act of 2012

**AMENDMENT TO H.R. 6083**  
**OFFERED BY MR. SCHRADER OF OREGON**

Strike title IV and insert the following (and make such technical and conforming changes as may be appropriate):

1                   **TITLE IV—NUTRITION**  
2                   **Subtitle A—Supplemental**  
3                   **Nutrition Assistance Program**

4   **SEC. 4001. FOOD DISTRIBUTION PROGRAM ON INDIAN RES-**  
5                   **ERVATIONS.**

6           Section 4(b)(6)(F) of the Food and Nutrition Act of  
7 2008 (7 U.S.C. 2013(b)(6)(F)) is amended by striking  
8 “2012” and inserting “2017”.

9   **SEC. 4002. STANDARD UTILITY ALLOWANCES BASED ON**  
10                   **THE RECEIPT OF ENERGY ASSISTANCE PAY-**  
11                   **MENTS.**

12           (a) STANDARD UTILITY ALLOWANCES IN THE SUP-  
13 PLEMENTAL NUTRITION ASSISTANCE PROGRAM.—Section  
14 5(e)(6)(C) of the Food and Nutrition Act of 2008 (7  
15 U.S.C. 2014(e)(6)(C)) is amended—

16                   (1) in clause (i), by inserting “, subject to  
17           clause (iv)” after “Secretary”; and

1           (2) in clause (iv)(I), by striking “the household  
2 still incurs” and all that follows through the end of  
3 the subclause and inserting “the payment received  
4 by, or made on behalf of, the household exceeds \$10  
5 or a higher amount annually, as determined by the  
6 Secretary.”.

7           (b)       CONFORMING        AMENDMENT.—Section  
8 2605(f)(2)(A) of the Low-Income Home Energy Assist-  
9 ance Act of 1981 (42 U.S.C. 8624(f)(2)(A)) is amended  
10 by inserting before the semicolon at the end “, except that,  
11 for purposes of the supplemental nutrition assistance pro-  
12 gram established under the Food and Nutrition Act of  
13 2008 (7 U.S.C. 2011 et seq.), such payments or allow-  
14 ances exceed \$10 or a higher amount annually, as deter-  
15 mined by the Secretary of Agriculture in accordance with  
16 section 5(e)(6)(C)(iv)(I) of that Act (7 U.S.C.  
17 2014(e)(6)(C)(iv)(I))”.

18           (c) EFFECTIVE AND IMPLEMENTATION DATE.—

19           (1) IN GENERAL.—Except as provided in para-  
20 graph (2), this section and the amendments made by  
21 this section shall take effect beginning on October 1,  
22 2013, for all certification periods beginning after  
23 that date.

24           (2) STATE OPTION TO DELAY IMPLEMENTATION  
25 FOR CURRENT RECIPIENTS.—A State may, at the

1 option of the State, implement a policy that elimi-  
2 nates or minimizes the effect of the amendments  
3 made by this section for households that receive a  
4 standard utility allowance as of the date of enact-  
5 ment of this Act for not more than a 180-day period  
6 beginning on the date on which the amendments  
7 made by this section would otherwise affect the ben-  
8 efits received by a household.

9 **SEC. 4003. ELIGIBILITY DISQUALIFICATIONS.**

10 Section 6(e)(3)(B) of Food and Nutrition Act of  
11 2008 (7 U.S.C. 2015(e)(3)(B)) is amended by striking  
12 “section” and inserting the following: “section, subject to  
13 the condition that the course or program of study—

14 “(i) is part of a program of career  
15 and technical education (as defined in sec-  
16 tion 3 of the Carl D. Perkins Career and  
17 Technical Education Act of 2006 (20  
18 U.S.C. 2302)) that may be completed in  
19 not more than 4 years at an institution of  
20 higher education (as defined in section 102  
21 of the Higher Education Act of 1965 (20  
22 U.S.C. 1002)); or

23 “(ii) is limited to remedial courses,  
24 basic adult education, literacy, or English  
25 as a second language;”.

1 **SEC. 4004. ENDING SUPPLEMENTAL NUTRITION ASSIST-**  
2 **ANCE PROGRAM BENEFITS FOR LOTTERY OR**  
3 **GAMBLING WINNERS.**

4 (a) IN GENERAL.—Section 6 of the Food and Nutri-  
5 tion Act of 2008 (7 U.S.C. 2015) is amended by adding  
6 at the end the following:

7 “(r) INELIGIBILITY FOR BENEFITS DUE TO RECEIPT  
8 OF SUBSTANTIAL LOTTERY OR GAMBLING WINNINGS.—

9 “(1) IN GENERAL.—Any household in which a  
10 member receives substantial lottery or gambling  
11 winnings, as determined by the Secretary, shall lose  
12 eligibility for benefits immediately upon receipt of  
13 the winnings.

14 “(2) DURATION OF INELIGIBILITY.—A house-  
15 hold described in paragraph (1) shall remain ineli-  
16 gible for participation until the household meets the  
17 allowable financial resources and income eligibility  
18 requirements under subsections (c), (d), (e), (f), (g),  
19 (i), (k), (l), (m), and (n) of section 5.

20 “(3) AGREEMENTS.—As determined by the Sec-  
21 retary, each State agency, to the maximum extent  
22 practicable, shall establish agreements with entities  
23 responsible for the regulation or sponsorship of gam-  
24 ing in the State to determine whether individuals  
25 participating in the supplemental nutrition assist-

1           ance program have received substantial lottery or  
2           gambling winnings.”.

3           (b) CONFORMING AMENDMENTS.—Section 5(a) of  
4 the Food and Nutrition Act of 2008 (7 U.S.C. 2014(a))  
5 is amended in the second sentence by striking “sections  
6 6(b), 6(d)(2), and 6(g)” and inserting “subsections (b),  
7 (d)(2), (g), and (r) of section 6”.

8 **SEC. 4005. RETAIL FOOD STORES.**

9           (a) DEFINITION OF RETAIL FOOD STORE.—Sub-  
10 section (o)(1)(A) of section 3 of the Food and Nutrition  
11 Act of 2008 (7 U.S.C. 2012) (as redesignated by section  
12 4016(a)(4)) is amended by striking “at least 2” and in-  
13 serting “at least 3”.

14           (b) ALTERNATIVE BENEFIT DELIVERY.—Section  
15 7(f) of the Food and Nutrition Act of 2008 (7 U.S.C.  
16 2016(f)) is amended—

17                   (1) by striking paragraph (2) and inserting the  
18           following:

19                           “(2) IMPOSITION OF COSTS.—

20                                   “(A) IN GENERAL.—Except as provided in  
21                                   subparagraph (B), the Secretary shall require  
22                                   participating retail food stores (including res-  
23                                   taurants participating in a State option res-  
24                                   taurant program intended to serve the elderly,  
25                                   disabled, and homeless) to pay 100 percent of

1 the costs of acquiring, and arrange for the im-  
2 plementation of, electronic benefit transfer  
3 point-of-sale equipment and supplies, including  
4 related services.

5 “(B) EXEMPTIONS.—The Secretary may  
6 exempt from subparagraph (A)—

7 “(i) farmers’ markets, military com-  
8 missaries, nonprofit food buying coopera-  
9 tives, and establishments, organizations,  
10 programs, or group living arrangements  
11 described in paragraphs (5), (7), and (8)  
12 of section 3(k); and

13 “(ii) establishments described in para-  
14 graphs (3), (4), and (9) of section 3(k),  
15 other than restaurants participating in a  
16 State option restaurant program.”; and

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

18 “(4) TERMINATION OF MANUAL VOUCHERS.—

19 “(A) IN GENERAL.—Effective beginning on  
20 the date of enactment of this paragraph, except  
21 as provided in subparagraph (B), no State shall  
22 issue manual vouchers to a household that re-  
23 ceives supplemental nutrition assistance under  
24 this Act or allow retail food stores to accept  
25 manual vouchers as payment, unless the Sec-

1           retary determines that the manual vouchers are  
2           necessary, such as in the event of an electronic  
3           benefit transfer system failure or a disaster sit-  
4           uation.

5                   “(B) EXEMPTIONS.—The Secretary may  
6           exempt categories of retail food stores or indi-  
7           vidual retail food stores from subparagraph (A)  
8           based on criteria established by the Secretary.

9                   “(5) UNIQUE IDENTIFICATION NUMBER RE-  
10          QUIRED.—The Secretary shall require all parties  
11          providing electronic benefit transfer services to pro-  
12          vide for and maintain unique terminal identification  
13          number information through the supplemental nutri-  
14          tion assistance program electronic benefit transfer  
15          transaction routing system.”.

16          (c) ELECTRONIC BENEFIT TRANSFERS.—Section  
17          7(h)(3)(B) of the Food and Nutrition Act of 2008 (7  
18          U.S.C. 2016(h)(3)(B)) is amended by striking “is oper-  
19          ational—” and all that follows through “(ii) in the case  
20          of other participating stores,” and inserting “is oper-  
21          ational”.

22          (d) APPROVAL OF RETAIL FOOD STORES AND  
23          WHOLESALE FOOD CONCERNS.—Section 9 of the Food  
24          and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

25                   (1) in subsection (a)—

1 (A) in the second sentence of paragraph  
2 (a)(1), by striking “; and (C)” and inserting “;  
3 (C) whether the applicant is located in an area  
4 with significantly limited access to food; and  
5 (D)”;

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

7 “(4) RETAIL FOOD STORES WITH SIGNIFICANT  
8 SALES OF EXCEPTED ITEMS.—

9 “(A) IN GENERAL.—No retail food store  
10 for which at least 45 percent of the total sales  
11 of the retail food store is from the sale of ex-  
12 cepted items described in section 3(k)(1) may  
13 be authorized to accept and redeem benefits un-  
14 less the Secretary determines that the partici-  
15 pation of the retail food store is required for  
16 the effective and efficient operation of the sup-  
17 plemental nutrition assistance program.

18 “(B) APPLICATION.—Subparagraph (A)  
19 shall be effective—

20 “(i) in the case of retail food stores  
21 applying to be authorized for the first  
22 time, beginning on the date that is 1 year  
23 after the date of enactment of this para-  
24 graph; and

1                   “(ii) in the case of retail food stores  
2                   participating in the program on the date of  
3                   enactment of this paragraph, during peri-  
4                   odic reauthorization in accordance with  
5                   paragraph (2)(A).”; and

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

7                   “(g) EBT SERVICE REQUIREMENT.—An approved  
8                   retail food store shall provide adequate EBT service as  
9                   described in section 7(h)(3)(B).”.

10 **SEC. 4006. IMPROVING SECURITY OF FOOD ASSISTANCE.**

11                   Section 7(h)(8) of the Food and Nutrition Act of  
12                   2008 (7 U.S.C. 2016(h)(8)) is amended—

13                   (1) by striking the paragraph heading and in-  
14                   serting “REPLACEMENT OF CARDS.—”;

15                   (2) by striking “A State” and inserting the fol-  
16                   lowing:

17                   “(A) FEES.—A State”; and

18                   (3) by adding after subparagraph (A) (as so  
19                   designated by paragraph (2)) the following:

20                   “(B) PURPOSEFUL LOSS OF CARDS.—

21                   “(i) IN GENERAL.—Subject to terms  
22                   and conditions established by the Secretary  
23                   in accordance with clause (ii), if a house-  
24                   hold makes excessive requests for replace-  
25                   ment of the electronic benefit transfer card

1 of the household, the Secretary may re-  
2 quire a State agency to decline to issue a  
3 replacement card to the household unless  
4 the household, upon request of the State  
5 agency, provides an explanation for the  
6 loss of the card.

7 “(ii) REQUIREMENTS.—The terms  
8 and conditions established by the Secretary  
9 shall provide that—

10 “(I) the household be given the  
11 opportunity to provide the requested  
12 explanation and meet the require-  
13 ments under this paragraph promptly;

14 “(II) after an excessive number  
15 of lost cards, the head of the house-  
16 hold shall be required to review pro-  
17 gram rights and responsibilities with  
18 State agency personnel authorized to  
19 make determinations under section  
20 5(a); and

21 “(III) any action taken, including  
22 actions required under section  
23 6(b)(2), other than the withholding of  
24 the electronic benefit transfer card  
25 until an explanation described in sub-

1 clause (I) is provided, shall be con-  
2 sistent with the due process protec-  
3 tions under section 6(b) or 11(e)(10),  
4 as appropriate.

5 “(C) PROTECTING VULNERABLE PER-  
6 SONS.—In implementing this paragraph, a  
7 State agency shall act to protect homeless per-  
8 sons, persons with disabilities, victims of  
9 crimes, and other vulnerable persons who lose  
10 electronic benefit transfer cards but are not in-  
11 tentionally committing fraud.

12 “(D) EFFECT ON ELIGIBILITY.—While a  
13 State may decline to issue an electronic benefits  
14 transfer card until a household satisfies the re-  
15 quirements under this paragraph, nothing in  
16 this paragraph shall be considered a denial of,  
17 or limitation on, the eligibility for benefits  
18 under section 5.”.

19 **SEC. 4007. TECHNOLOGY MODERNIZATION FOR RETAIL**  
20 **FOOD STORES.**

21 (a) MOBILE TECHNOLOGIES.—Section 7(h) of the  
22 Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) (as  
23 amended by section 4016(e)) is amended by adding at the  
24 end the following:

25 “(14) MOBILE TECHNOLOGIES.—

1           “(A) IN GENERAL.—Subject to subpara-  
2           graph (B), the Secretary shall approve retail  
3           food stores to redeem benefits through elec-  
4           tronic means other than wired point of sale de-  
5           vices for electronic benefit transfer transactions,  
6           if the retail food stores—

7                   “(i) establish recipient protections re-  
8                   garding privacy, ease of use, access, and  
9                   support similar to the protections provided  
10                  for transactions made in retail food stores;

11                  “(ii) bear the costs of obtaining, in-  
12                  stalling, and maintaining mobile tech-  
13                  nologies, including mechanisms needed to  
14                  process EBT cards and transaction fees;

15                  “(iii) demonstrate the foods purchased  
16                  with benefits issued under this section  
17                  through mobile technologies are purchased  
18                  at a price not higher than the price of the  
19                  same food purchased by other methods  
20                  used by the retail food store, as determined  
21                  by the Secretary;

22                  “(iv) provide adequate documentation  
23                  for each authorized transaction, as deter-  
24                  mined by the Secretary; and

1                                   “(v) meet other criteria as established  
2                                   by the Secretary.

3                                   “(B) DEMONSTRATION PROJECT ON AC-  
4                                   CEPTANCE OF BENEFITS OF MOBILE TRANS-  
5                                   ACTIONS.—

6                                   “(i) IN GENERAL.—Before authorizing  
7                                   implementation of subparagraph (A) in all  
8                                   States, the Secretary shall pilot the use of  
9                                   mobile technologies determined by the Sec-  
10                                  retary to be appropriate to test the feasi-  
11                                  bility and implications for program integ-  
12                                  rity, by allowing retail food stores to accept  
13                                  benefits from recipients of supplemental  
14                                  nutrition assistance through mobile trans-  
15                                  actions.

16                                  “(ii) DEMONSTRATION PROJECTS.—  
17                                  To be eligible to participate in a dem-  
18                                  onstration project under clause (i), a retail  
19                                  food store shall submit to the Secretary for  
20                                  approval a plan that includes—

21                                  “(I) a description of the tech-  
22                                  nology;

23                                  “(II) the manner by which the  
24                                  retail food store will provide proof of  
25                                  the transaction to households;

1                                   “(III) the provision of data to  
2                                   the Secretary, consistent with require-  
3                                   ments established by the Secretary, in  
4                                   a manner that allows the Secretary to  
5                                   evaluate the impact of the demonstra-  
6                                   tion on participant access, ease of use,  
7                                   and program integrity; and

8                                   “(IV) such other criteria as the  
9                                   Secretary may require.

10                                  “(iii) DATE OF COMPLETION.—The  
11                                  demonstration projects under this subpara-  
12                                  graph shall be completed and final reports  
13                                  submitted to the Secretary by not later  
14                                  than July 1, 2015.

15                                  “(C) REPORT TO CONGRESS.—The Sec-  
16                                  retary shall—

17                                  “(i) by not later than January 1,  
18                                  2016, authorize implementation of sub-  
19                                  paragraph (A) in all States, unless the  
20                                  Secretary makes a finding, based on the  
21                                  data provided under subparagraph (B),  
22                                  that implementation in all States is not in  
23                                  the best interest of the supplemental nutri-  
24                                  tion assistance program; and

1                   “(ii) if the determination made in  
2                   clause (i) is not to implement subpara-  
3                   graph (A) in all States, submit a report to  
4                   the Committee on Agriculture of the House  
5                   of Representatives and the Committee on  
6                   Agriculture, Nutrition, and Forestry of the  
7                   Senate that includes the basis of the find-  
8                   ing.”.

9           (b) ACCEPTANCE OF BENEFITS THROUGH ON-LINE  
10   TRANSACTIONS.—

11           (1) IN GENERAL.—Section 7 of the Food and  
12           Nutrition Act of 2008 (7 U.S.C. 2016) is amended  
13           by adding at the end the following:

14           “(k) OPTION TO ACCEPT PROGRAM BENEFITS  
15   THROUGH ON-LINE TRANSACTIONS.—

16           “(1) IN GENERAL.—Subject to paragraph (4),  
17           the Secretary shall approve retail food stores to ac-  
18           cept benefits from recipients of supplemental nutri-  
19           tion assistance through on-line transactions.

20           “(2) REQUIREMENTS TO ACCEPT BENEFITS.—A  
21           retail food store seeking to accept benefits from re-  
22           cipients of supplemental nutrition assistance through  
23           on-line transactions shall—

24                   “(A) establish recipient protections regard-  
25                   ing privacy, ease of use, access, and support

1 similar to the protections provided for trans-  
2 actions made in retail food stores;

3 “(B) ensure benefits are not used to pay  
4 delivery, ordering, convenience, or other fees or  
5 charges;

6 “(C) clearly notify participating households  
7 at the time a food order is placed—

8 “(i) of any delivery, ordering, conven-  
9 ience, or other fee or charge associated  
10 with the food purchase; and

11 “(ii) that any such fee cannot be paid  
12 with benefits provided under this Act;

13 “(D) ensure the security of on-line trans-  
14 actions by using the most effective technology  
15 available that the Secretary considers appro-  
16 priate and cost-effective and that is comparable  
17 to the security of transactions at retail food  
18 stores; and

19 “(E) meet other criteria as established by  
20 the Secretary.

21 “(3) STATE AGENCY ACTION.—Each State  
22 agency shall ensure that recipients of supplemental  
23 nutrition assistance can use benefits on-line as de-  
24 scribed in this subsection as appropriate.

1           “(4) DEMONSTRATION PROJECT ON ACCEPT-  
2 ANCE OF BENEFITS THROUGH ON-LINE TRANS-  
3 ACTIONS.—

4           “(A) IN GENERAL.—Before the Secretary  
5 authorizes implementation of paragraph (1) in  
6 all States, the Secretary shall carry out a num-  
7 ber of demonstration projects as determined by  
8 the Secretary to test the feasibility of allowing  
9 retail food stores to accept benefits through on-  
10 line transactions.

11           “(B) DEMONSTRATION PROJECTS.—To be  
12 eligible to participate in a demonstration project  
13 under subparagraph (A), a retail food store  
14 shall submit to the Secretary for approval a  
15 plan that includes—

16           “(i) a method of ensuring that bene-  
17 fits may be used to purchase only eligible  
18 items under this Act;

19           “(ii) a description of the method of  
20 educating participant households about the  
21 availability and operation of on-line pur-  
22 chasing;

23           “(iii) adequate testing of the on-line  
24 purchasing option prior to implementation;

1                   “(iv) the provision of data as re-  
2                   quested by the Secretary for purposes of  
3                   analyzing the impact of the project on par-  
4                   ticipant access, ease of use, and program  
5                   integrity;

6                   “(v) reports on progress, challenges,  
7                   and results, as determined by the Sec-  
8                   retary; and

9                   “(vi) such other criteria, including se-  
10                  curity criteria, as established by the Sec-  
11                  retary.

12                 “(C) DATE OF COMPLETION.—The dem-  
13                 onstration projects under this paragraph shall  
14                 be completed and final reports submitted to the  
15                 Secretary by not later than July 1, 2015.

16                 “(5) REPORT TO CONGRESS.—The Secretary  
17                 shall—

18                         “(A) by not later than January 1, 2016,  
19                         authorize implementation of paragraph (1) in  
20                         all States, unless the Secretary makes a find-  
21                         ing, based on the data provided under para-  
22                         graph (4), that implementation in all States is  
23                         not in the best interest of the supplemental nu-  
24                         trition assistance program; and

1           “(B) if the determination made in sub-  
2           paragraph (A) is not to implement in all States,  
3           submit a report to the Committee on Agri-  
4           culture of the House of Representatives and the  
5           Committee on Agriculture, Nutrition, and For-  
6           estry of the Senate that includes the basis of  
7           the finding.”.

8           (2) CONFORMING AMENDMENTS.—

9           (A) Section 7(b) of the Food and Nutrition  
10          Act of 2008 (7 U.S.C. 2016(b)) is amended by  
11          striking “purchase food in retail food stores”  
12          and inserting “purchase food from retail food  
13          stores”.

14          (B) Section 10 of the Food and Nutrition  
15          Act of 2008 (7 U.S.C. 2019) is amended in the  
16          first sentence by inserting “retail food stores  
17          authorized to accept and redeem benefits  
18          through on-line transactions shall be authorized  
19          to accept benefits prior to the delivery of food  
20          if the delivery occurs within a reasonable time  
21          of the purchase, as determined by the Sec-  
22          retary,” after “food so purchased,”.

23          (c) SAVINGS CLAUSE.—Nothing in this section or an  
24          amendment made by this section alter any requirements  
25          of the Food and Nutrition Act of 2008 (7 U.S.C. 2011

1 et seq.) unless specifically authorized in this section or an  
2 amendment made by this section.

3 **SEC. 4008. USE OF BENEFITS FOR PURCHASE OF COMMU-**  
4 **NITY-SUPPORTED AGRICULTURE SHARE.**

5 Section 10 of the Food and Nutrition Act of 2008  
6 (7 U.S.C. 2019) (as amended by section 4007(b)(2)(B))  
7 is amended in the first sentence by inserting “agricultural  
8 producers who market agricultural products directly to  
9 consumers shall be authorized to redeem benefits for the  
10 initial cost of the purchase of a community-supported agri-  
11 culture share for an appropriate time in advance of food  
12 delivery as determined by the Secretary,” after “as deter-  
13 mined by the Secretary,”.

14 **SEC. 4009. RESTAURANT MEALS PROGRAM.**

15 (a) IN GENERAL.—Section 11(e) of the Food and  
16 Nutrition Act of 2008 (7 U.S.C. 2020(e)) is amended—

17 (1) in paragraph (22), by striking “and” at the  
18 end;

19 (2) in paragraph (23), by striking the period at  
20 the end of subparagraph (C) and inserting “; and”;  
21 and

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

23 “(24) if the State elects to carry out a program  
24 to contract with private establishments to offer

1 meals at concessional prices, as described in para-  
2 graphs 3, 4, and 9 of section 3(k)—

3 “(A) the plans of the State agency for op-  
4 erating the program, including—

5 “(i) documentation of a need that eli-  
6 gible homeless, elderly, and disabled clients  
7 are underserved in a particular geographic  
8 area;

9 “(ii) the manner by which the State  
10 agency will limit participation to only those  
11 private establishments that the State de-  
12 termines necessary to meet the need identi-  
13 fied in clause (i); and

14 “(iii) any other conditions the Sec-  
15 retary may prescribe, such as the level of  
16 security necessary to ensure that only eligi-  
17 ble recipients participate in the program;  
18 and

19 “(B) a report by the State agency to the  
20 Secretary annually, the schedule of which shall  
21 be established by the Secretary, that includes—

22 “(i) the number of households and in-  
23 dividual recipients authorized to partici-  
24 pate in the program, including any infor-

1 information on whether the individual recipient  
2 is elderly, disabled, or homeless; and  
3 “(ii) an assessment of whether the  
4 program is meeting an established need, as  
5 documented under subparagraph (A)(i).”.

6 (b) APPROVAL OF RETAIL FOOD STORES AND  
7 WHOLESALE FOOD CONCERNS.—Section 9 of the Food  
8 and Nutrition Act of 2008 (7 U.S.C. 2018) (as amended  
9 by section 4005(d)(3)) is amended by adding at the end  
10 the following:

11 “(h) PRIVATE ESTABLISHMENTS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),  
13 no private establishment that contracts with a State  
14 agency to offer meals at concessional prices as de-  
15 scribed in paragraphs 3, 4, and 9 of section 3(k)  
16 may be authorized to accept and redeem benefits un-  
17 less the Secretary determines that the participation  
18 of the private establishment is required to meet a  
19 documented need in accordance with section  
20 11(e)(24).

21 “(2) EXISTING CONTRACTS.—

22 “(A) IN GENERAL.—If, on the day before  
23 the date of enactment of this subsection, a  
24 State has entered into a contract with a private  
25 establishment described in paragraph (1) and

1           the Secretary has not determined that the par-  
2           ticipation of the private establishment is nec-  
3           essary to meet a documented need in accord-  
4           ance with section 11(e)(24), the Secretary shall  
5           allow the operation of the private establishment  
6           to continue without that determination of need  
7           for a period not to exceed 180 days from the  
8           date on which the Secretary establishes deter-  
9           mination criteria, by regulation, under section  
10          11(e)(24).

11          “(B) JUSTIFICATION.—If the Secretary  
12          makes a determination to terminate a contract  
13          with a private establishment that is in effect on  
14          the date of enactment of this subsection, the  
15          Secretary shall provide justification to the State  
16          in which the private establishment is located for  
17          that termination.

18          “(3) REPORT TO CONGRESS.—Not later than  
19          90 days after September 30, 2013, and 90 days  
20          after the last day of each fiscal year thereafter, the  
21          Secretary shall report to the Committee on Agri-  
22          culture of the House of Representatives and the  
23          Committee on Agriculture, Nutrition, and Forestry  
24          of the Senate on the effectiveness of a program  
25          under this subsection using any information received

1 from States under section 11(e)(24) as well as any  
2 other information the Secretary may have relating to  
3 the manner in which benefits are used.”.

4 (e) CONFORMING AMENDMENTS.—Section 3(k) of  
5 the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k))  
6 is amended by inserting “subject to section 9(h)” after  
7 “concessional prices” each place it appears.

8 **SEC. 4010. QUALITY CONTROL ERROR RATE DETERMINA-**  
9 **TION.**

10 Section 16(e) of the Food and Nutrition Act of 2008  
11 (7 U.S.C. 2025(e)) is amended by adding at the end the  
12 following:

13 “(10) TOLERANCE LEVEL.—For the purposes  
14 of this subsection, the Secretary shall set the toler-  
15 ance level for excluding small errors at \$25.”.

16 **SEC. 4011. PERFORMANCE BONUS PAYMENTS.**

17 Section 16(d) of the Food and Nutrition Act of 2008  
18 (7 U.S.C. 2025(d)) is amended by adding at the end the  
19 following:

20 “(5) USE OF PERFORMANCE BONUS PAY-  
21 MENTS.—A State agency may use a performance  
22 bonus payment received under this subsection only  
23 to carry out the program established under this Act,  
24 including investments in—  
25 “(A) technology;

1                   “(B) improvements in administration and  
2                   distribution; and

3                   “(C) actions to prevent fraud, waste, and  
4                   abuse.”.

5 **SEC. 4012. AUTHORIZATION OF APPROPRIATIONS.**

6           Section 18(a)(1) of the Food and Nutrition Act of  
7 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sen-  
8 tence by striking “2012” and inserting “2017”.

9 **SEC. 4013. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.**

10          Section 25 of the Food and Nutrition Act of 2008  
11 (7 U.S.C. 2034) is amended—

12               (1) in subsection (a)(1)(B)(ii)—

13                       (A) by striking subclause (I); and

14                       (B) by redesignating subclauses (II) and

15                       (III) as subclauses (I) and (II), respectively;

16                       and

17               (2) in subsection (b), by adding at the end the  
18               following:

19               “(3) FUNDING.—

20                       “(A) IN GENERAL.—Out of any funds in  
21                       the Treasury not otherwise appropriated, the  
22                       Secretary of the Treasury shall transfer to the  
23                       Secretary to carry out this section not less than  
24                       \$5,000,000 for fiscal year 2013 and each fiscal  
25                       year thereafter.

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

6                   “(C) MAINTENANCE OF FUNDING.—The  
7           funding provided under subparagraph (A) shall  
8           supplement (and not supplant) other Federal  
9           funding made available to the Secretary to  
10          carry out this section.”

11 **SEC. 4014. EMERGENCY FOOD ASSISTANCE.**

12          (a) PURCHASE OF COMMODITIES.—Section 27(a) of  
13          the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a))  
14          is amended—

15                  (1) in paragraph (1), by striking “2008  
16                  through 2012” and inserting “2012 through 2017”;

17                  (2) by striking paragraph (2) and inserting the  
18                  following:

19                          “(2) AMOUNTS.—The Secretary shall use to  
20                  carry out paragraph (1)—

21                                  “(A) for fiscal year 2012, \$260,250,000;

22                                  and

23                                  “(B) for each subsequent fiscal year, the  
24                  dollar amount of commodities specified in sub-  
25                  paragraph (A) adjusted by the percentage by

1 which the thrifty food plan has been adjusted  
2 under section 3(u)(4) between June 30, 2012,  
3 and June 30 of the immediately preceding fiscal  
4 year, and subsequently increased by—

5 “(i) for fiscal year 2013, \$28,000,000;

6 “(ii) for fiscal year 2014,  
7 \$44,000,000;

8 “(iii) for fiscal year 2015,  
9 \$24,000,000;

10 “(iv) for fiscal year 2016,  
11 \$18,000,000; and

12 “(v) for fiscal year 2017 and each fis-  
13 cal year thereafter, \$10,000,000.”; and

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

15 “(3) FUNDS AVAILABILITY.—For purposes of  
16 the funds described in this subsection, the Secretary  
17 shall—

18 “(A) make the funds available for 2 fiscal  
19 years; and

20 “(B) allow States to carry over unex-  
21 pended balances to the next fiscal year pursu-  
22 ant to such terms and conditions as are deter-  
23 mined by the Secretary.”.

24 (b) EMERGENCY FOOD PROGRAM INFRASTRUCTURE  
25 GRANTS.—Section 209(d) of the Emergency Food Assist-

1 ance Act of 1983 (7 U.S.C. 7511a(d)) is amended by  
2 striking “2012” and inserting “2017”.

3 **SEC. 4015. NUTRITION EDUCATION.**

4 Section 28(b) of the Food and Nutrition Act of 2008  
5 (7 U.S.C. 2036a(b)) is amended by inserting “and phys-  
6 ical activity” after “healthy food choices”.

7 **SEC. 4016. RETAIL FOOD STORE AND RECIPIENT TRAF-**  
8 **FICKING.**

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

11 **“SEC. 29. RETAIL FOOD STORE AND RECIPIENT TRAF-**  
12 **FICKING.**

13 “(a) **PURPOSE.**—The purpose of this section is to  
14 provide the Department of Agriculture with additional re-  
15 sources to prevent trafficking in violation of this Act by  
16 strengthening recipient and retail food store program in-  
17 tegrity.

18 “(b) **USE OF FUNDS.**—Additional funds are provided  
19 under this section to supplement the retail food store and  
20 recipient integrity activities of the Department.

21 “(c) **FUNDING.**—

22 “(1) **IN GENERAL.**—Out of any funds in the  
23 Treasury not otherwise appropriated, the Secretary  
24 of the Treasury shall transfer to the Secretary to

1 carry out this section not less than \$18,500,000 for  
2 fiscal year 2013 and each fiscal year thereafter.

3 “(2) RECEIPT AND ACCEPTANCE.—The Sec-  
4 retary shall be entitled to receive, shall accept, and  
5 shall use to carry out this section the funds trans-  
6 ferred under paragraph (1), without further appro-  
7 priation.

8 “(3) MAINTENANCE OF FUNDING.—The fund-  
9 ing provided under paragraph (1) shall supplement  
10 (and not supplant) other Federal funding for pro-  
11 grams carried out under this Act.”

12 **SEC. 4017. TECHNICAL AND CONFORMING AMENDMENTS.**

13 (a) Section 3 of the Food and Nutrition Act of 2008  
14 (7 U.S.C. 2012) is amended—

15 (1) in subsection (g), by striking “coupon,” and  
16 inserting “coupon”;

17 (2) in subsection (k)(7), by striking “or are”  
18 and inserting “and”;

19 (3) by striking subsection (l);

20 (4) by redesignating subsections (m) through  
21 (t) as subsections (l) through (s), respectively; and

22 (5) by inserting after subsection (s) (as so re-  
23 designated) the following:

24 “(t) ‘Supplemental nutrition assistance program’  
25 means the program operated pursuant to this Act.”

1 (b) Section 4(a) of the Food and Nutrition Act of  
2 2008 (7 U.S.C. 2013(a)) is amended in the last sentence  
3 by striking “benefits” and inserting “Benefits”.

4 (c) Section 5 of the Food and Nutrition Act of 2008  
5 (7 U.S.C. 2014) is amended—

6 (1) in the last sentence of subsection (i)(2)(D),  
7 by striking “section 13(b)(2)” and inserting “section  
8 13(b)”; and

9 (2) in subsection (k)(4)(A), by striking “para-  
10 graph (2)(H)” and inserting “paragraph (2)(G)”.

11 (d) Section 6(d)(4) of the Food and Nutrition Act  
12 of 2008 (7 U.S.C. 2015(d)(4)) is amended in subpara-  
13 graphs (B)(vii) and (F)(iii) by indenting both clauses ap-  
14 propriately.

15 (e) Section 7(h) of the Food and Nutrition Act of  
16 2008 (7 U.S.C. 2016(h)) is amended by redesignating the  
17 second paragraph (12) (relating to interchange fees) as  
18 paragraph (13).

19 (f) Section 9(a) of the Food and Nutrition Act of  
20 2008 (7 U.S.C. 2018(a)) is amended by indenting para-  
21 graph (3) appropriately.

22 (g) Section 12 of the Food and Nutrition Act of 2008  
23 (7 U.S.C. 2021) is amended—

24 (1) in subsection (b)(3)(C), by striking “civil  
25 money penalties” and inserting “civil penalties”; and

1 (2) in subsection (g)(1), by striking “(7 U.S.C.  
2 1786)” and inserting “(42 U.S.C. 1786)”.

3 (h) Section 15(b)(1) of the Food and Nutrition Act  
4 of 2008 (7 U.S.C. 2024(b)(1)) is amended in the first sen-  
5 tence by striking “an benefit” and inserting “a benefit”.

6 (i) Section 16(a) of the Food and Nutrition Act of  
7 2008 (7 U.S.C. 2025(a)) is amended in the proviso fol-  
8 lowing paragraph (8) by striking “as amended.”.

9 (j) Section 18(e) of the Food and Nutrition Act of  
10 2008 (7 U.S.C. 2027(e)) is amended in the first sentence  
11 by striking “sections 7(f)” and inserting “section 7(f)”.

12 (k) Section 22(b)(10)(B)(i) of the Food and Nutri-  
13 tion Act of 2008 (7 U.S.C. 2031(b)(10)(B)(i)) is amended  
14 in the last sentence by striking “Food benefits” and in-  
15 serting “Benefits”.

16 (l) Section 26(f)(3)(C) of the Food and Nutrition Act  
17 of 2008 (7 U.S.C. 2035(f)(3)(C)) is amended by striking  
18 “subsection” and inserting “subsections”.

19 (m) Section 27(a)(1) of the Food and Nutrition Act  
20 of 2008 (7 U.S.C. 2036(a)(1)) is amended by striking  
21 “(Public Law 98–8; 7 U.S.C. 612c note)” and inserting  
22 “(7 U.S.C. 7515)”.

23 (n) Section 509 of the Older Americans Act of 1965  
24 (42 U.S.C. 3056g) is amended in the section heading by  
25 striking “**FOOD STAMP PROGRAMS**” and inserting

1 **“SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**  
2 **GRAMS”.**

3 (o) Section 4115(c)(2)(H) of the Food, Conservation,  
4 and Energy Act of 2008 (Public Law 110–246; 122 Stat.  
5 1871) is amended by striking “531” and inserting “454”.

6 **Subtitle B—Commodity**  
7 **Distribution Programs**

8 **SEC. 4101. COMMODITY DISTRIBUTION PROGRAM.**

9 Section 4(a) of the Agriculture and Consumer Protec-  
10 tion Act of 1973 (7 U.S.C. 612c note; Public Law 93–  
11 86) is amended in the first sentence by striking “2012”  
12 and inserting “2017”.

13 **SEC. 4102. COMMODITY SUPPLEMENTAL FOOD PROGRAM.**

14 Section 5 of the Agriculture and Consumer Protec-  
15 tion Act of 1973 (7 U.S.C. 612c note; Public Law 93–  
16 86) is amended—

17 (1) in paragraphs (1) and (2)(B) of subsection  
18 (a), by striking “2012” each place it appears and in-  
19 serting “2017”;

20 (2) in the first sentence of subsection (d)(2), by  
21 striking “2012” and inserting “2017”;

22 (3) by striking subsection (g) and inserting the  
23 following:

24 **“(g) ELIGIBILITY.—**Except as provided in subsection  
25 (m), the States shall only provide assistance under the

1 commodity supplemental food program to low-income per-  
2 sons aged 60 and older.”; and

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

4 “(m) PHASE-OUT.—Notwithstanding any other provi-  
5 sion of law, an individual who receives assistance under  
6 the commodity supplemental food program on the day be-  
7 fore the date of enactment of this subsection shall con-  
8 tinue to receive that assistance until the date on which  
9 the individual is no longer eligible for assistance under the  
10 eligibility requirements for the program in effect on the  
11 day before the date of enactment of this subsection.”.

12 **SEC. 4103. DISTRIBUTION OF SURPLUS COMMODITIES TO**  
13 **SPECIAL NUTRITION PROJECTS.**

14 Section 1114(a)(2)(A) of the Agriculture and Food  
15 Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended in the  
16 first sentence by striking “2012” and inserting “2017”.

17 **SEC. 4104. TECHNICAL AND CONFORMING AMENDMENTS.**

18 Section 3 of the Commodity Distribution Reform Act  
19 and WIC Amendments of 1987 (7 U.S.C. 612c note; Pub-  
20 lic Law 100–237) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (2), by striking subpara-  
23 graph (B) and inserting the following:

1 “(B) the program established under sec-  
2 tion 4(b) of the Food and Nutrition Act of  
3 2008 (7 U.S.C. 2013(b));” and

4 (B) in paragraph (3)(D), by striking “the  
5 Committee on Education and Labor” and in-  
6 serting “the Committee on Education and the  
7 Workforce”;

8 (2) in subsection (b)(1)(A)(ii), by striking “sec-  
9 tion 32 of the Agricultural Adjustment Act (7  
10 U.S.C. 601 et seq.)” and inserting “section 32 of  
11 the Act of August 24, 1935 (7 U.S.C. 612e)”;

12 (3) in subsection (e)(1)(D)(iii), by striking sub-  
13 clause (II) and inserting the following:

14 “(II) the program established  
15 under section 4(b) of the Food and  
16 Nutrition Act of 2008 (7 U.S.C.  
17 2013(b));” and

18 (4) in subsection (k), by striking “the Com-  
19 mittee on Education and Labor” and inserting “the  
20 Committee on Education and the Workforce”.

1           **Subtitle C—Miscellaneous**

2   **SEC. 4201. PURCHASE OF FRESH FRUITS AND VEGETABLES**  
3                   **FOR DISTRIBUTION TO SCHOOLS AND SERV-**  
4                   **ICE INSTITUTIONS.**

5           Section 10603(b) of the Farm Security and Rural In-  
6   vestment Act of 2002 (7 U.S.C. 612e-4(b)) is amended  
7   by striking “2012” and inserting “2017”.

8   **SEC. 4202. SENIORS FARMERS’ MARKET NUTRITION PRO-**  
9                   **GRAM.**

10          Section 4402(a) of the Farm Security and Rural In-  
11   vestment Act of 2002 (7 U.S.C. 3007(a)) is amended by  
12   striking “2012” and inserting “2017”.

13   **SEC. 4203. NUTRITION INFORMATION AND AWARENESS**  
14                   **PILOT PROGRAM.**

15          Section 4403 of the Farm Security and Rural Invest-  
16   ment Act of 2002 (7 U.S.C. 3171 note; Public Law 107-  
17   171) is repealed.

18   **SEC. 4204. WHOLE GRAIN PRODUCTS.**

19          Section 4305 of the Food, Conservation, and Energy  
20   Act of 2008 (42 U.S.C. 1755a) is amended—

21           (1) in subsection (a), by striking “2005” and  
22           inserting “2010”;

23           (2) in subsection (d), by striking “2011” and  
24           inserting “2015”;

1           (3) in subsection (e), by striking “Labor of the  
2           House of Representative” and inserting “the Work-  
3           force of the House of Representatives”; and

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

5           “(f) FUNDING.—

6           “(1) IN GENERAL.—On October 1, 2013, out of  
7           any funds in the Treasury not otherwise appro-  
8           priated, the Secretary of the Treasury shall transfer  
9           to the Secretary to carry out this section  
10          \$10,000,000 for the period of fiscal years 2014  
11          through 2015.

12          “(2) RECEIPT AND ACCEPTANCE.—The Sec-  
13          retary shall be entitled to receive, shall accept, and  
14          shall use to carry out this section the funds trans-  
15          ferred under paragraph (1), without further appro-  
16          priation.

17          “(3) MAINTENANCE OF FUNDING.—The fund-  
18          ing provided under paragraph (1) shall supplement  
19          (and not supplant) other Federal funding (including  
20          funds made available under section 32 of the Act of  
21          August 24, 1935 (7 U.S.C. 612c)) for programs car-  
22          ried out under—

23                  “(A) the Richard B. Russell National  
24                  School Lunch Act (42 U.S.C. 1751 et seq.), ex-

1           cept for section 19 of that Act (42 U.S.C.  
2           1769a);

3           “(B) the Emergency Food Assistance Act  
4           of 1983 (7 U.S.C. 7501 et seq.); and

5           “(C) section 27 of the Food and Nutrition  
6           Act of 2008 (7 U.S.C. 2036).”.

7   **SEC. 4205. HUNGER-FREE COMMUNITIES.**

8           Section 4405 of the Food, Conservation, and Energy  
9   Act of 2008 (7 U.S.C. 7517) is amended—

10          (1) in subsection (a)—

11               (A) by striking paragraph (1) and insert-  
12               ing the following:

13               “(1) ELIGIBLE ENTITY.—

14               “(A) COLLABORATIVE GRANTS.—In sub-  
15               section (b), the term ‘eligible entity’ means a  
16               public food program service provider or non-  
17               profit organization, including an emergency  
18               feeding organization, that has collaborated or  
19               will collaborate with 1 or more local partner or-  
20               ganizations to achieve at least 1 hunger-free  
21               communities goal.

22               “(B) INCENTIVE GRANTS.—In subsection  
23               (c), the term ‘eligible entity’ means a nonprofit  
24               organization (including an emergency feeding  
25               organization), an agricultural cooperative, pro-

1 producer network or association, community health  
2 organization, public benefit corporation, eco-  
3 nomic development corporation, farmers' mar-  
4 ket, community-supported agriculture program,  
5 buying club, supplemental nutrition assistance  
6 program retail food store, a State, local, or trib-  
7 al agency, and any other entity the Secretary  
8 designates.”;

9 (B) by adding at the end the following:

10 “(4) SUPPLEMENTAL NUTRITION ASSISTANCE  
11 PROGRAM.—The term ‘supplemental nutrition assist-  
12 ance program’ means the supplemental nutrition as-  
13 sistance program established under the Food and  
14 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

15 “(5) UNDERSERVED COMMUNITY.—The term  
16 ‘underserved community’ has the meaning given the  
17 term in section 25 of the Food and Nutrition Act of  
18 2008 (7 U.S.C. 2034).”;

19 (2) in subsection (b)(1)(A), by striking “not  
20 more than 50 percent of any funds made available  
21 under subsection (e)” and inserting “funds made  
22 available under subsection (d)(1)”; and

23 (3) by striking subsections (c), (d), and (e) and  
24 inserting the following:

1       “(c) HUNGER-FREE COMMUNITIES INCENTIVE  
2 GRANTS.—

3           “(1) AUTHORIZATION.—

4           “(A) IN GENERAL.—In each of the years  
5 specified in subsection (d), the Secretary shall  
6 make grants to eligible entities in accordance  
7 with paragraph (2).

8           “(B) FEDERAL SHARE.—The Federal  
9 share of the cost of carrying out an activity  
10 under this subsection shall not exceed 50 per-  
11 cent of the total cost of the activity.

12           “(C) NON-FEDERAL SHARE.—

13           “(i) IN GENERAL.—The non-Federal  
14 share of the cost of an activity under this  
15 subsection may be provided—

16           “(I) in cash or in-kind contribu-  
17 tions as determined by the Secretary,  
18 including facilities, equipment, or  
19 services; and

20           “(II) by a State or local govern-  
21 ment or a private source.

22           “(ii) LIMITATION.—In the case of a  
23 for-profit entity, the non-Federal share de-  
24 scribed in clause (i) shall not include serv-

1                   ices of an employee, including salaries paid  
2                   or expenses covered by the employer.

3                   “(2) CRITERIA.—

4                   “(A) IN GENERAL.—For purposes of this  
5                   subsection, an eligible entity is a governmental  
6                   agency or nonprofit organization that—

7                   “(i) meets the application criteria set  
8                   forth by the Secretary; and

9                   “(ii) proposes a project that, at a  
10                  minimum—

11                  “(I) has the support of the State  
12                  agency;

13                  “(II) would increase the purchase  
14                  of fruits and vegetables by low-income  
15                  consumers participating in the supple-  
16                  mental nutrition assistance program  
17                  by providing incentives at the point of  
18                  purchase;

19                  “(III) agrees to participate in the  
20                  evaluation described in paragraph (4);

21                  “(IV) ensures that the same  
22                  terms and conditions apply to pur-  
23                  chases made by individuals with bene-  
24                  fits issued under this Act and incen-  
25                  tives provided for in this subsection as

1 apply to purchases made by individ-  
2 uals who are not members of house-  
3 holds receiving benefits, such as pro-  
4 vided for in section 278.2(b) of title 7,  
5 Code of Federal Regulations (or a  
6 successor regulation); and

7 “(V) includes effective and effi-  
8 cient technologies for benefit redemp-  
9 tion systems that may be replicated in  
10 other for States and communities.

11 “(B) PRIORITY.—In awarding grants  
12 under this section, the Secretary shall give pri-  
13 ority to projects that—

14 “(i) maximize the share of funds used  
15 for direct incentives to participants;

16 “(ii) use direct-to-consumer sales mar-  
17 keting;

18 “(iii) demonstrate a track record of  
19 designing and implementing successful nu-  
20 trition incentive programs that connect  
21 low-income consumers and agricultural  
22 producers;

23 “(iv) provide locally or regionally pro-  
24 duced fruits and vegetables;



1 “(i) be considered part of the supple-  
2 mental nutrition assistance program bene-  
3 fits of the household; or

4 “(ii) be used in the collection or dis-  
5 position of claims under section 13 of the  
6 Food and Nutrition Act of 2008 (7 U.S.C.  
7 2022).

8 “(4) EVALUATION.—

9 “(A) INDEPENDENT EVALUATION.—The  
10 Secretary shall provide for an independent eval-  
11 uation of projects selected under this subsection  
12 that measures the impact of each project on—

13 “(i) improving the nutrition and  
14 health status of participating households  
15 receiving incentives under this subsection;  
16 and

17 “(ii) increasing fruit and vegetable  
18 purchases in participating households.

19 “(B) REQUIREMENT.—The independent  
20 evaluation under subparagraph (A) shall use  
21 rigorous methodologies capable of producing  
22 scientifically valid information regarding the ef-  
23 fectiveness of a project.

24 “(C) COSTS.—The Secretary may use  
25 funds not to exceed 10 percent of the funding

1 provided to carry out this section to pay costs  
2 associated with administering, monitoring, and  
3 evaluating each project.

4 “(d) FUNDING.—

5 “(1) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to carry out  
7 subsection (b) \$5,000,000 for each of fiscal years  
8 2013 through 2017.

9 “(2) MANDATORY FUNDING.—Of the funds of  
10 the Commodity Credit Corporation, the Secretary  
11 shall use to carry out subsection (c)—

12 “(A) \$15,000,000 for fiscal year 2013;

13 “(B) \$20,000,000 for each of fiscal years  
14 2014 through 2016; and

15 “(C) \$25,000,000 for fiscal year 2017.”

16 **SEC. 4206. HEALTHY FOOD FINANCING INITIATIVE.**

17 (a) IN GENERAL.—Subtitle D of title II of the De-  
18 partment of Agriculture Reorganization Act of 1994 (7  
19 U.S.C. 6951 et seq.) is amended by adding at the end  
20 the following:

21 **“SEC. 242. HEALTHY FOOD FINANCING INITIATIVE.**

22 “(a) PURPOSE.—The purpose of this section is to en-  
23 hance the authorities of the Secretary to support efforts  
24 to provide access to healthy food by establishing an initia-  
25 tive to improve access to healthy foods in underserved

1 areas, to create and preserve quality jobs, and to revitalize  
2 low-income communities by providing loans and grants to  
3 eligible fresh, healthy food retailers to overcome the higher  
4 costs and initial barriers to entry in underserved areas.

5 “(b) DEFINITIONS.—In this section:

6 “(1) COMMUNITY DEVELOPMENT FINANCIAL IN-  
7 STITUTION.—The term ‘community development fi-  
8 nancial institution’ has the meaning given the term  
9 in section 103 of the Community Development  
10 Banking and Financial Institutions Act of 1994 (12  
11 U.S.C. 4702).

12 “(2) INITIATIVE.—The term ‘Initiative’ means  
13 the Healthy Food Financing Initiative established  
14 under subsection (c)(1).

15 “(3) NATIONAL FUND MANAGER.—The term  
16 ‘national fund manager’ means a community devel-  
17 opment financial institution that is—

18 “(A) in existence on the date of enactment  
19 of this section; and

20 “(B) certified by the Community Develop-  
21 ment Financial Institution Fund of the Depart-  
22 ment of Treasury to manage the Initiative for  
23 purposes of—

24 “(i) raising private capital;

1                   “(ii) providing financial and technical  
2                   assistance to partnerships; and  
3                   “(iii) funding eligible projects to at-  
4                   tract fresh, healthy food retailers to under-  
5                   served areas, in accordance with this sec-  
6                   tion.

7                   “(4) PARTNERSHIP.—The term ‘partnership’  
8                   means a regional, State, or local public-private part-  
9                   nership that—

10                   “(A) is organized to improve access to  
11                   fresh, healthy foods;

12                   “(B) provides financial and technical as-  
13                   sistance to eligible projects; and

14                   “(C) meets such other criteria as the Sec-  
15                   retary may establish.

16                   “(5) PERISHABLE FOOD.—The term ‘perishable  
17                   food’ means a staple food that is fresh, refrigerated,  
18                   or frozen.

19                   “(6) QUALITY JOB.—The term ‘quality job’  
20                   means a job that provides wages and other benefits  
21                   comparable to, or better than, similar positions in  
22                   existing businesses of similar size in similar local  
23                   economies.

24                   “(7) STAPLE FOOD.—

1                   “(A) IN GENERAL.—The term ‘staple food’  
2                   means food that is a basic dietary item.

3                   “(B) INCLUSIONS.—The term ‘staple food’  
4                   includes—

5                               “(i) bread;

6                               “(ii) flour;

7                               “(iii) fruits;

8                               “(iv) vegetables; and

9                               “(v) meat.

10                   “(e) INITIATIVE.—

11                               “(1) ESTABLISHMENT.—The Secretary shall es-  
12                               tablish an initiative to achieve the purpose described  
13                               in subsection (a) in accordance with this subsection.

14                               “(2) IMPLEMENTATION.—

15                               “(A) IN GENERAL.—

16                                       “(i) IN GENERAL.—In carrying out  
17                               the Initiative, the Secretary shall provide  
18                               funding to entities with eligible projects, as  
19                               described in subparagraph (B), subject to  
20                               the priorities described in subparagraph  
21                               (C).

22                                       “(ii) USE OF FUNDS.—Funds pro-  
23                               vided to an entity pursuant to clause (i)  
24                               shall be used—

1 “(I) to create revolving loan pools  
2 of capital or other products to provide  
3 loans to finance eligible projects or  
4 partnerships;

5 “(II) to provide grants for eligi-  
6 ble projects or partnerships;

7 “(III) to provide technical assist-  
8 ance to funded projects and entities  
9 seeking Initiative funding; and

10 “(IV) to cover administrative ex-  
11 penses of the national fund manager  
12 in an amount not to exceed 10 per-  
13 cent of the Federal funds provided.

14 “(B) ELIGIBLE PROJECTS.—Subject to the  
15 approval of the Secretary, the national fund  
16 manager shall establish eligibility criteria for  
17 projects under the Initiative, which shall include  
18 the existence or planned execution of agree-  
19 ments—

20 “(i) to expand or preserve the avail-  
21 ability of staple foods in underserved areas  
22 with moderate- and low-income populations  
23 by maintaining or increasing the number  
24 of retail outlets that offer an assortment of  
25 perishable food and staple food items, as

1 determined by the Secretary, in those  
2 areas; and

3 “(ii) to accept benefits under the sup-  
4 plemental nutrition assistance program es-  
5 tablished under the Food and Nutrition  
6 Act of 2008 (7 U.S.C. 2011 et seq.).

7 “(C) PRIORITIES.—In carrying out the Ini-  
8 tiative, priority shall be given to projects that—

9 “(i) are located in severely distressed  
10 low-income communities, as defined by the  
11 Community Development Financial Insti-  
12 tutions Fund of the Department of Treas-  
13 ury; and

14 “(ii) include 1 or more of the fol-  
15 lowing characteristics:

16 “(I) The project will create or re-  
17 tain quality jobs for low-income resi-  
18 dents in the community.

19 “(II) The project supports re-  
20 gional food systems and locally grown  
21 foods, to the maximum extent prac-  
22 ticable.

23 “(III) In areas served by public  
24 transit, the project is accessible by  
25 public transit.

1 “(IV) The project involves  
2 women- or minority-owned businesses.

3 “(V) The project receives funding  
4 from other sources, including other  
5 Federal agencies.

6 “(VI) The project otherwise ad-  
7 vances the purpose of this section, as  
8 determined by the Secretary.

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
10 is authorized to be appropriated to the Secretary to carry  
11 out this section \$125,000,000, to remain available until  
12 expended.”.

13 (b) CONFORMING AMENDMENT.—Section 296(b) of  
14 the Department of Agriculture Reorganization Act of  
15 1994 (7 U.S.C. 7014(b)) (as amended by section 1609(d))  
16 is amended—

17 (1) in paragraph (7), by striking “or” at the  
18 end;

19 (2) in paragraph (8), by striking the period at  
20 the end and inserting “; or”; and

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

22 “(9) the authority of the Secretary to establish  
23 and carry out the Health Food Financing Initiative  
24 under section 242.”.

1 **SEC. 4207. PULSE CROP PRODUCTS.**

2 (a) **PURPOSE.**—The purpose of this section is to en-  
3 courage greater awareness and interest in the number and  
4 variety of pulse crop products available to schoolchildren,  
5 as recommended by the most recent Dietary Guidelines  
6 for Americans published under section 301 of the National  
7 Nutrition Monitoring and Related Research Act of 1990  
8 (7 U.S.C. 5341).

9 (b) **DEFINITIONS.**—In this section:

10 (1) **ELIGIBLE PULSE CROP.**—The term “eligible  
11 pulse crop” means dry beans, dry peas, lentils, and  
12 chickpeas.

13 (2) **PULSE CROP PRODUCT.**—The term “pulse  
14 crop product” means a food product derived in  
15 whole or in part from an eligible pulse crop.

16 (c) **PURCHASE OF PULSE CROPS AND PULSE CROP**  
17 **PRODUCTS.**—In addition to the commodities delivered  
18 under section 6 of the Richard B. Russell National School  
19 Lunch Act (42 U.S.C. 1755), the Secretary shall purchase  
20 eligible pulse crops and pulse crop products for use in—

21 (1) the school lunch program established under  
22 the Richard B. Russell National School Lunch Act  
23 (42 U.S.C. 1751 et seq.); and

24 (2) the school breakfast program established by  
25 section 4 of the Child Nutrition Act of 1966 (42  
26 U.S.C. 1773).

1 (d) EVALUATION.—Not later than September 30,  
2 2016, the Secretary shall conduct an evaluation of the ac-  
3 tivities conducted under subsection (c), including—

4 (1) an evaluation of whether children partici-  
5 pating in the school lunch and breakfast programs  
6 described in subsection (c) increased overall con-  
7 sumption of eligible pulse crops as a result of the ac-  
8 tivities;

9 (2) an evaluation of which eligible pulse crops  
10 and pulse crop products are most acceptable for use  
11 in the school lunch and breakfast programs;

12 (3) any recommendations of the Secretary re-  
13 garding the integration of the use of pulse crop  
14 products in carrying out the school lunch and break-  
15 fast programs;

16 (4) an evaluation of any change in the nutrient  
17 composition in the school lunch and breakfast pro-  
18 grams due to the activities; and

19 (5) an evaluation of any other outcomes deter-  
20 mined to be appropriate by the Secretary.

21 (e) REPORT.—As soon as practicable after the com-  
22 pletion of the evaluation under subsection (d), the Sec-  
23 retary shall submit to the Committee on Agriculture, Nu-  
24 trition, and Forestry of the Senate and the Committee on

1 Education and the Workforce of the House of Representa-  
2 tive a report describing the results of the evaluation.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$10,000,000, to remain available until expended.

6 **SEC. 4208. DIETARY GUIDELINES FOR AMERICANS.**

7 Section 301(a) of the National Nutrition Monitoring  
8 and Related Research Act of 1990 (7 U.S.C. 5341(a)) is  
9 amended by adding at the end the following:

10 “(3) PREGNANT WOMEN AND YOUNG CHIL-  
11 DREN.—Not later than the 2020 report and in each  
12 report thereafter, the Secretaries shall include na-  
13 tional nutritional and dietary information and guide-  
14 lines for pregnant women and children from birth  
15 until the age of 2.”

16 **SEC. 4209. PURCHASES OF LOCALLY PRODUCED FOODS.**

17 Section 9(j) of the Richard B. Russell National  
18 School Lunch Act (42 U.S.C. 1758(j)) is amended—

19 (1) by redesignating paragraphs (1) through  
20 (3) as subparagraphs (A) through (C), respectively,  
21 and indenting the subparagraphs appropriately;  
22 (2) by striking “The Secretary” and inserting  
23 the following:

24 “(1) IN GENERAL.—The Secretary”;

25 (3) in paragraph (1) (as so redesignated)—

1 (A) in subparagraph (B)—

2 (i) by striking “paragraph (1) of the

3 policy described in that paragraph and

4 paragraph (3)” and inserting “subpara-

5 graph (A) of the policy described in that

6 subparagraph and subparagraph (C)”; and

7 (ii) by striking “and” at the end;

8 (B) in subparagraph (C), by striking the

9 period at the end and inserting “; and”; and

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

11 “(D) not later than 1 year after the date

12 of enactment of this subparagraph, in accord-

13 ance with paragraphs (2) and (3), conduct not

14 fewer than 5 demonstration projects through

15 school food authorities receiving funds under

16 this Act and the Child Nutrition Act of 1966

17 (42 U.S.C. 1771 et seq.) to facilitate the pur-

18 chase of unprocessed and minimally processed

19 locally grown and locally raised agricultural

20 products.”; and

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

22 “(2) SELECTION.—In conducting demonstration

23 projects under paragraph (1)(D), the Secretary shall

24 ensure that at least 1 project is located in a State

25 in each of—

1                   “(A) the Pacific Northwest Region;

2                   “(B) the Northeast Region;

3                   “(C) the Western Region;

4                   “(D) the Midwest Region; and

5                   “(E) the Southern Region.

6                   “(3) PRIORITY.—In selecting States for partici-  
7                   pation in the demonstration projects under para-  
8                   graph (2), the Secretary shall prioritize applications  
9                   based on—

10                   “(A) the quantity and variety of growers of  
11                   local fruits and vegetables in the State;

12                   “(B) the demonstrated commitment of the  
13                   State to farm-to-school efforts, as evidenced by  
14                   prior efforts to increase and promote farm-to-  
15                   school programs in the State; and

16                   “(C) whether the State contains a suffi-  
17                   cient quantity of school districts of varying pop-  
18                   ulation sizes and geographical locations.”.

