

111TH CONGRESS
2^D SESSION

S. 3132

To amend the Child Nutrition Act of 1966 to promote and support breastfeeding through the special supplemental nutrition program for women, infants, and children.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2010

Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Child Nutrition Act of 1966 to promote and support breastfeeding through the special supplemental nutrition program for women, infants, and children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Exemplary
5 Breastfeeding Support Act”.

6 **SEC. 2. SUPPORT FOR BREASTFEEDING IN THE WIC PRO-**
7 **GRAM.**

8 (a) IN GENERAL.—Section 17 of the Child Nutrition
9 Act of 1966 (42 U.S.C. 1786) is amended—

1 (1) in subsection (a), in the second sentence, by
2 striking “supplemental foods and nutrition education
3 through any eligible local agency” and inserting
4 “supplemental foods and nutrition education, includ-
5 ing breastfeeding promotion and support, through
6 any eligible local agency”; and

7 (2) in subsection (h)(4)—

8 (A) by striking “(4) The Secretary” and
9 all that follows through “(A) in consultation”
10 and inserting the following:

11 “(4) REQUIREMENTS.—

12 “(A) IN GENERAL.—The Secretary shall—

13 “(i) in consultation”;

14 (i) by redesignating subparagraphs
15 (B) through (F) as clauses (ii) through
16 (vi), respectively, and indenting appro-
17 priately;

18 (ii) in clause (v) (as so redesignated),
19 by striking “and” at the end;

20 (iii) in clause (vi) (as so redesign-
21 ated), by striking “2010 initiative.” and
22 inserting “initiative; and”; and

23 (iv) by adding at the end the fol-
24 lowing:

1 “(vii) annually compile and publish
2 breastfeeding performance measurements
3 based on program participant data on the
4 number of partially and fully breastfed in-
5 fants, including breastfeeding performance
6 measurements for—

7 “(I) each State agency; and

8 “(II) each local agency;

9 “(viii) in accordance with subpara-
10 graph (B), implement a program to recog-
11 nize exemplary breastfeeding support prac-
12 tices at local agencies or clinics partici-
13 pating in the special supplemental nutri-
14 tion program established under this sec-
15 tion; and

16 “(ix) in accordance with subparagraph
17 (C), implement a program to provide per-
18 formance bonuses to State agencies partici-
19 pating in the special supplemental nutri-
20 tion program established under this section
21 that achieve—

22 “(I) the highest proportion of
23 participating breastfed infants; or

1 “(II) the greatest improvement in
2 the proportion of participating
3 breastfed infants.

4 “(B) EXEMPLARY BREASTFEEDING SUP-
5 PORT PRACTICES.—In evaluating exemplary
6 practices under subparagraph (A)(viii), the Sec-
7 retary shall consider—

8 “(i) performance measurements of
9 breastfeeding;

10 “(ii) the effectiveness of a peer coun-
11 selor program;

12 “(iii) the extent to which the agency
13 or clinic has partnered with other entities
14 to build a supportive breastfeeding envi-
15 ronment for women participating in the
16 program; and

17 “(iv) such other criteria as the Sec-
18 retary considers appropriate after consulta-
19 tion with State and local program agen-
20 cies.

21 “(C) PERFORMANCE BONUSES.—

22 “(i) IN GENERAL.—Following the
23 publication of breastfeeding performance
24 measurements under subparagraph
25 (A)(vii), the Secretary shall provide per-

1 performance bonus payments to State agen-
2 cies that demonstrate—

3 “(I) the highest proportion of
4 participating breastfed infants, as
5 compared to other State agencies par-
6 ticipating in the program; or

7 “(II) the greatest improvement in
8 proportion of participating breastfed
9 infants, as compared to other State
10 agencies participating in the program.

11 “(ii) CONSIDERATION.—In providing
12 performance bonus payments to State
13 agencies under this subparagraph, the Sec-
14 retary shall consider the proportion of par-
15 ticipating fully breastfed infants that are
16 served by the State agency.

17 “(iii) USE OF FUNDS.—A State agen-
18 cy that receives a performance bonus
19 under clause (i)—

20 “(I) shall treat the funds as pro-
21 gram funds; and

22 “(II) may transfer the funds to
23 local agencies for use in carrying out
24 the program.

1 “(iv) IMPLEMENTATION.—The Sec-
2 retary shall provide the first performance
3 bonuses not later than 1 year after the
4 date of enactment of this clause and may
5 subsequently revise the criteria for award-
6 ing performance bonuses.”.

7 (b) BREAST PUMPS.—Section 17(h)(1)(C)(ii) of the
8 Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(1)(C)(ii))
9 is amended by inserting “, including amounts provided
10 through a contingency reserve under the terms and condi-
11 tions established by the Secretary,” after “clause (i)”.

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