

111TH CONGRESS
1ST SESSION

H. R. 3626

To amend section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786)
to promote and support breastfeeding.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2009

Mrs. MCCARTHY of New York (for herself and Mrs. MALONEY) introduced the
following bill; which was referred to the Committee on Education and Labor

A BILL

To amend section 17 of the Child Nutrition Act of 1966
(42 U.S.C. 1786) to promote and support breastfeeding.

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) in subsection (a), in the second sentence, by striking “supplemental foods and nutrition education through any eligible local agency” and inserting “supplemental foods and nutrition education, including breastfeeding promotion and support, through any eligible local agency”; and

(2) in subsection (h)(4)—

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

“(4) REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall—

“(i) in consultation”;

(i) by redesignating subparagraphs (B) through (F) as clauses (ii) through (vi), respectively, and indenting appropriately;

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

(iii) in clause (vi) (as so redesignated), by striking “2010 initiative.” and inserting “initiative; and”; and

(iv) by adding at the end the following:

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 proportion of participating breastfed
3 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 a State agency’s pro-
15 portion of participating fully breastfed in-
16 fants.

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 income; 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 “(D) AUTHORIZATION OF APPROPRIA-
8 TIONS.—There are authorized to be appro-
9 priated such sums as may be necessary to carry
10 out clauses (vii), (viii), and (ix) of subpara-
11 graph (A).”

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

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