

111TH CONGRESS  
2D 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.

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## 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

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## 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) 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 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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