

or softwood lumber products, including stumpage subsidies, provided by countries of export.

“(c) GAO REPORTS.—The Comptroller General of the United States shall submit the following reports to the appropriate congressional committees:

“(1) Not later than 18 months after the date of the enactment of this title, a report on the effectiveness of the reconciliations conducted under section 806, and verifications conducted under section 807.

“(2) Not later than 12 months after the date of the enactment of this title, a report on whether countries that export softwood lumber or softwood lumber products to the United States are complying with any international agreements entered into by those countries and the United States.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of the enactment of this Act.

## TITLE IV—NUTRITION

### Subtitle A—Food Stamp Program

#### PART I—RENAMING OF FOOD STAMP ACT AND PROGRAM

##### SEC. 4001. RENAMING OF FOOD STAMP ACT AND PROGRAM.

(a) SHORT TITLE.—The first section of the Food Stamp Act of 1977 (7 U.S.C. 2011 note; Public Law 88–525) is amended by striking “Food Stamp Act of 1977” and inserting “Food and Nutrition Act of 2008”.

(b) PROGRAM.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (as amended by subsection (a)) is amended by striking “food stamp program” each place it appears and inserting “supplemental nutrition assistance program”.

##### SEC. 4002. CONFORMING AMENDMENTS.

(a) IN GENERAL.—

(1) Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended in the section heading by striking “FOOD STAMP PROGRAM” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”.

(2) Section 5(h)(2)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)(2)(A)) is amended by striking “Food Stamp Disaster Task Force” and inserting “Disaster Task Force”.

(3) Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—

(A) in subsection (d)(3), by striking “for food stamps”;

(B) in subsection (j), in the subsection heading, by striking “FOOD STAMP”; and

(C) in subsection (o)—

(i) in paragraph (2), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”; and

(ii) in paragraph (6)—

(I) in subparagraph (A)—

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(aa) in clause (i), by striking “food stamps” and inserting “supplemental nutrition assistance program benefits”; and

(bb) in clause (ii)—

(AA) in the matter preceding subclause (I), by striking “a food stamp recipient” and inserting “a member of a household that receives supplemental nutrition assistance program benefits”; and

(BB) by striking “food stamp benefits” each place it appears and inserting “supplemental nutrition assistance program benefits”; and

(II) in subparagraphs (D) and (E), by striking “food stamp recipients” each place it appears and inserting “members of households that receive supplemental nutrition assistance program benefits”.

(4) Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended—

(A) in subsection (i)—

(i) in paragraph (3)(B)(ii), by striking “food stamp households” and inserting “households receiving supplemental nutrition assistance program benefits”; and

(ii) in paragraph (7), by striking “food stamp issuance” and inserting “supplemental nutrition assistance issuance”; and

(B) in subsection (k)—

(i) in paragraph (2), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”; and

(ii) in paragraph (3), by striking “food stamp retail” and inserting “retail”.

(5) Section 9(b)(1) of that Food and Nutrition Act of 2008 (7 U.S.C. 2018(b)(1)) is amended by striking “food stamp households” and inserting “households that receive supplemental nutrition assistance program benefits”.

(6) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended—

(A) in subsection (e)—

(i) by striking “food stamps” each place it appears and inserting “supplemental nutrition assistance program benefits”;

(ii) by striking “food stamp offices” each place it appears and inserting “supplemental nutrition assistance program offices”;

(iii) by striking “food stamp office” each place it appears and inserting “supplemental nutrition assistance program office”; and

(iv) in paragraph (25)—

(I) in the matter preceding subparagraph (A), by striking “Simplified Food Stamp Program” and inserting “Simplified Supplemental Nutrition Assistance Program”; and

- (II) in subparagraph (A), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”;
  - (B) in subsection (k), by striking “may issue, upon request by the State agency, food stamps” and inserting “may provide, on request by the State agency, supplemental nutrition assistance program benefits”;
  - (C) in subsection (l), by striking “food stamp participation” and inserting “supplemental nutrition assistance program participation”;
  - (D) in subsections (q) and (r), in the subsection headings, by striking “FOOD STAMPS” each place it appears and inserting “BENEFITS”;
  - (E) in subsection (s), by striking “food stamp benefits” each place it appears and inserting “supplemental nutrition assistance program benefits”; and
  - (F) in subsection (t)(1)—
    - (i) in subparagraph (A), by striking “food stamp application” and inserting “supplemental nutrition assistance program application”; and
    - (ii) in subparagraph (B), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”.
- (7) Section 14(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2023(b)) is amended by striking “food stamp”.
- (8) Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—
- (A) in subsection (a)(4), by striking “food stamp informational activities” and inserting “informational activities relating to the supplemental nutrition assistance program”;
  - (B) in subsection (c)(9)(C), by striking “food stamp caseload” and inserting “the caseload under the supplemental nutrition assistance program”; and
  - (C) in subsection (h)(1)(E)(i), by striking “food stamp recipients” and inserting “members of households receiving supplemental nutrition assistance program benefits”.
- (9) Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—
- (A) in subsection (a)(2), by striking “food stamp benefits” each place it appears and inserting “supplemental nutrition assistance program benefits”;
  - (B) in subsection (b)—
    - (i) in paragraph (1)—
      - (I) in subparagraph (A), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”; and
      - (II) in subparagraph (B)—
        - (aa) in clause (ii)(II), by striking “food stamp recipients” and inserting “supplemental nutrition assistance program recipients”;
        - (bb) in clause (iii)(I), by striking “the State’s food stamp households” and inserting “the number of households in the State receiving supplemental nutrition assistance program benefits”; and

- (cc) in clause (iv)(IV)(bb), by striking “food stamp deductions” and inserting “supplemental nutrition assistance program deductions”;
- (ii) in paragraph (2), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”; and
- (iii) in paragraph (3)—
  - (I) in subparagraph (A), by striking “food stamp employment” and inserting “supplemental nutrition assistance program employment”;
  - (II) in subparagraph (B), by striking “food stamp recipients” and inserting “supplemental nutrition assistance program recipients”;
  - (III) in subparagraph (C), by striking “food stamps” and inserting “supplemental nutrition assistance program benefits”; and
  - (IV) in subparagraph (D), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”;
- (C) in subsection (c), by striking “food stamps” and inserting “supplemental nutrition assistance”;
- (D) in subsection (d)—
  - (i) in paragraph (1)(B), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”;
  - (ii) in paragraph (2)—
    - (I) in subparagraph (A), by striking “food stamp allotments” each place it appears and inserting “allotments”; and
    - (II) in subparagraph (C)(ii), by striking “food stamp benefit” and inserting “supplemental nutrition assistance program benefits”; and
    - (iii) in paragraph (3)(E), by striking “food stamp benefits” and inserting “supplemental nutrition assistance program benefits”;
  - (E) in subsections (e) and (f), by striking “food stamp benefits” each place it appears and inserting “supplemental nutrition assistance program benefits”;
  - (F) in subsection (g), in the first sentence, by striking “receipt of food stamp” and inserting “receipt of supplemental nutrition assistance program”; and
  - (G) in subsection (j), by striking “food stamp agencies” and inserting “supplemental nutrition assistance program agencies”.
- (10) Section 18(a)(3)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(3)(A)(ii)) is amended by striking “food stamps” and inserting “supplemental nutrition assistance program benefits”.
- (11) Section 22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2031) is amended—
  - (A) in the section heading, by striking “**FOOD STAMP PORTION OF MINNESOTA FAMILY INVESTMENT PLAN**” and inserting “**MINNESOTA FAMILY INVESTMENT PROJECT**”;
  - (B) in subsections (b)(12) and (d)(3), by striking “the Food Stamp Act, as amended,” each place it appears and inserting “this Act”; and

(C) in subsection (g)(1), by striking “the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)” and inserting “this Act”.

(12) Section 26 of the Food and Nutrition Act of 2008 (7 U.S.C. 2035) is amended—

(A) in the section heading, by striking “**SIMPLIFIED FOOD STAMP PROGRAM**” and inserting “**SIMPLIFIED SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**”; and

(B) in subsection (b), by striking “simplified food stamp program” and inserting “simplified supplemental nutrition assistance program”.

(b) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—Each provision of law described in paragraph (2) is amended (as applicable)—

(A) by striking “food stamp program” each place it appears and inserting “supplemental nutrition assistance program”;

(B) by striking “Food Stamp Act of 1977” each place it appears and inserting “Food and Nutrition Act of 2008”;

(C) by striking “Food Stamp Act” each place it appears and inserting “Food and Nutrition Act of 2008”;

(D) by striking “food stamp” each place it appears and inserting “supplemental nutrition assistance program benefits”;

(E) by striking “food stamps” each place it appears and inserting “supplemental nutrition assistance program benefits”;

(F) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking “**FOOD STAMP ACT**” each place it appears and inserting “**FOOD AND NUTRITION ACT OF 2008**”;

(G) in each applicable subsection and appropriations heading, by striking “**FOOD STAMP ACT**” each place it appears and inserting “**FOOD AND NUTRITION ACT OF 2008**”;

(H) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking “**FOOD STAMP ACT**” each place it appears and inserting “**FOOD AND NUTRITION ACT OF 2008**”;

(I) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking “**FOOD STAMP PROGRAM**” each place it appears and inserting “**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**”;

(J) in each applicable subsection and appropriations heading, by striking “**FOOD STAMP PROGRAM**” each place it appears and inserting “**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**”;

(K) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking “**FOOD STAMP PROGRAM**” each place it appears and inserting “**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**”;

(L) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking “**FOOD STAMPS**” each place it appears and inserting “**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS**”;

(M) in each applicable subsection and appropriations heading, by striking “FOOD STAMPS” each place it appears and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS”; and

(N) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking “FOOD STAMPS” each place it appears and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS”.

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

(A) The Hunger Prevention Act of 1988 (Public Law 100–435; 102 Stat. 1645).

(B) The Food Stamp Program Improvements Act of 1994 (Public Law 103–225; 108 Stat. 106).

(C) Title IV of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 305).

(D) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note).

(E) Section 807(b) of the Stewart B. McKinney Homeless Assistance Act (7 U.S.C. 2014 note; Public Law 100–77).

(F) The Electronic Benefit Transfer Interoperability and Portability Act of 2000 (Public Law 106–171; 114 Stat. 3).

(G) Section 502(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 2025 note; Public Law 105–185).

(H) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.).

(I) The Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).

(J) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(K) Section 8119 of the Department of Defense Appropriations Act, 1999 (10 U.S.C. 113 note; Public Law 105–262).

(L) The Armored Car Industry Reciprocity Act of 1993 (15 U.S.C. 5901 et seq.).

(M) Title 18, United States Code.

(N) The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(O) The Internal Revenue Code of 1986.

(P) Section 650 of the Treasury and General Government Appropriations Act, 2000 (26 U.S.C. 7801 note; Public Law 106–58).

(Q) The Wagner-Peysner Act (29 U.S.C. 49 et seq.).

(R) The Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(S) Title 31, United States Code.

(T) Title 37, United States Code.

(U) The Public Health Service Act (42 U.S.C. 201 et seq.).

(V) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

(W) Section 406 of the Family Support Act of 1988 (Public Law 100–485; 102 Stat. 2400).

(X) Section 232 of the Social Security Act Amendments of 1994 (42 U.S.C. 1314a).

(Y) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(Z) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(AA) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(BB) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(CC) Section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728).

(DD) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(EE) The Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(FF) Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i).

(GG) The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(HH) Public Law 95–348 (92 Stat. 487).

(II) The Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213).

(JJ) The Disaster Assistance Act of 1988 (Public Law 100–387; 102 Stat. 924).

(KK) The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3359).

(LL) The Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4079).

(MM) Section 388 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 105 Stat. 98).

(NN) The Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1818).

(OO) The Act of March 26, 1992 (Public Law 102–265; 106 Stat. 90).

(PP) Public Law 105–379 (112 Stat. 3399).

(QQ) Section 101(c) of the Emergency Supplemental Act, 2000 (Public Law 106–246; 114 Stat. 528).

(c) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to the “food stamp program” established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to the “supplemental nutrition assistance program” established under that Act.

## **PART II—BENEFIT IMPROVEMENTS**

### **SEC. 4101. EXCLUSION OF CERTAIN MILITARY PAYMENTS FROM INCOME.**

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

(1) by striking “(d) Household” and inserting “(d) EXCLUSIONS FROM INCOME.—Household”;

(2) by striking “only (1) any” and inserting “only—“(1) any”;

(3) by indenting each of paragraphs (2) through (18) so as to align with the margin of paragraph (1) (as amended by paragraph (2));

(4) by striking the comma at the end of each of paragraphs (1) through (16) and inserting a semicolon;

(5) in paragraph (3)—

(A) by striking “like (A) awarded” and inserting “like—  
“(A) awarded”;

(B) by striking “thereof, (B) to” and inserting “thereof;  
“(B) to”; and

(C) by striking “program, and (C) to” and inserting  
“program; and  
“(C) to”;

(6) in paragraph (11), by striking “), or (B) a” and inserting  
“)); or

“(B) a”;

(7) in paragraph (17), by striking “, and” at the end and inserting a semicolon;

(8) in paragraph (18), by striking the period at the end and inserting “; and”; and

(9) by adding at the end the following:

“(19) any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

“(A) is the result of deployment to or service in a combat zone; and

“(B) was not received immediately prior to serving in a combat zone.”.

**SEC. 4102. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.**

Section 5(e)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii), by striking “not less than \$134” and all that follows through the end of the clause and inserting the following: “not less than—

“(I) for fiscal year 2009, \$144, \$246, \$203, and \$127, respectively; and

“(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.”;

(2) in subparagraph (B)(ii), by striking “not less than \$269” and all that follows through the end of the clause and inserting the following: “not less than—

“(I) for fiscal year 2009, \$289; and

“(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the

nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.”; and

(3) by adding at the end the following:

“(C) REQUIREMENT.—Each adjustment under subparagraphs (A)(ii)(II) and (B)(ii)(II) shall be based on the unrounded amount for the prior 12-month period.”.

**SEC. 4103. SUPPORTING WORKING FAMILIES WITH CHILD CARE EXPENSES.**

Section 5(e)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(3)(A)) is amended by striking “, the maximum allowable level of which shall be \$200 per month for each dependent child under 2 years of age and \$175 per month for each other dependent,”.

**SEC. 4104. ASSET INDEXATION, EDUCATION, AND RETIREMENT ACCOUNTS.**

(a) ADJUSTING COUNTABLE RESOURCES FOR INFLATION.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) is amended—

(1) by striking “(g)(1) The Secretary” and inserting the following:

“(g) ALLOWABLE FINANCIAL RESOURCES.—

“(1) TOTAL AMOUNT.—

“(A) IN GENERAL.—The Secretary”.

(2) in subparagraph (A) (as so designated by paragraph (1))—

(A) by inserting “(as adjusted in accordance with subparagraph (B))” after “\$2,000”; and

(B) by inserting “(as adjusted in accordance with subparagraph (B))” after “\$3,000”; and

(3) by adding at the end the following:

“(B) ADJUSTMENT FOR INFLATION.—

“(i) IN GENERAL.—Beginning on October 1, 2008, and each October 1 thereafter, the amounts specified in subparagraph (A) shall be adjusted and rounded down to the nearest \$250 increment to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

“(ii) REQUIREMENT.—Each adjustment under clause (i) shall be based on the unrounded amount for the prior 12-month period.”.

(b) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

(1) IN GENERAL.—Section 5(g)(2)(B)(v) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)(2)(B)(v)) is amended by striking “or retirement account (including an individual account)” and inserting “account”.

(2) MANDATORY AND DISCRETIONARY EXCLUSIONS.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

“(7) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

“(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of—

“(i) any funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title 5, United States Code; and

“(ii) any retirement program or account included in any successor or similar provision that may be enacted and determined to be exempt from tax under the Internal Revenue Code of 1986.

“(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other retirement plans, contracts, or accounts (as determined by the Secretary).”.

(c) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) (as amended by subsection (b)) is amended by adding at the end the following:

“(8) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

“(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code.

“(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other education programs, contracts, or accounts (as determined by the Secretary).”.

**SEC. 4105. FACILITATING SIMPLIFIED REPORTING.**

Section 6(c)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(c)(1)(A)) is amended—

- (1) by striking “reporting by” and inserting “reporting”;
- (2) in clause (i), by inserting “for periods shorter than 4 months by” before “migrant”;
- (3) in clause (ii), by inserting “for periods shorter than 4 months by” before “households”; and
- (4) in clause (iii), by inserting “for periods shorter than 1 year by” before “households”.

**SEC. 4106. TRANSITIONAL BENEFITS OPTION.**

Section 11(s)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(s)(1)) is amended—

- (1) by striking “benefits to a household”; and inserting “benefits—  
“(A) to a household”;
  - (2) by striking the period at the end and inserting “; or”;
- and
- (3) by adding at the end the following:

“(B) at the option of the State, to a household with children that ceases to receive cash assistance under a State-funded public assistance program.”.

**SEC. 4107. INCREASING THE MINIMUM BENEFIT.**

Section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) is amended by striking “\$10 per month” and inserting “8 percent of the cost of the thrifty food plan for a household containing 1 member, as determined by the Secretary under section 3, rounded to the nearest whole dollar increment”.

**SEC. 4108. EMPLOYMENT, TRAINING, AND JOB RETENTION.**

Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended—

(1) in subparagraph (B)—

(A) by redesignating clause (vii) as clause (viii); and  
(B) by inserting after clause (vi) the following:

“(vii) Programs intended to ensure job retention by providing job retention services, if the job retention services are provided for a period of not more than 90 days after an individual who received employment and training services under this paragraph gains employment.”; and

(2) in subparagraph (F), by adding at the end the following:

“(iii) Any individual voluntarily electing to participate in a program under this paragraph shall not be subject to the limitations described in clauses (i) and (ii).”.

## **PART III—PROGRAM OPERATIONS**

**SEC. 4111. NUTRITION EDUCATION.**

(a) **AUTHORITY TO PROVIDE NUTRITION EDUCATION.**—Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the first sentence by inserting “and, through an approved State plan, nutrition education” after “an allotment”.

(b) **IMPLEMENTATION.**—Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (f) and inserting the following:

“(f) **NUTRITION EDUCATION.**—

“(1) **IN GENERAL.**—State agencies may implement a nutrition education program for individuals eligible for program benefits that promotes healthy food choices consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

“(2) **DELIVERY OF NUTRITION EDUCATION.**—State agencies may deliver nutrition education directly to eligible persons or through agreements with the National Institute of Food and Agriculture, including through the expanded food and nutrition education program under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and other State and community health and nutrition providers and organizations.

“(3) **NUTRITION EDUCATION STATE PLANS.**—

“(A) **IN GENERAL.**—A State agency that elects to provide nutrition education under this subsection shall submit a nutrition education State plan to the Secretary for approval.

“(B) REQUIREMENTS.—The plan shall—

“(i) identify the uses of the funding for local projects; and

“(ii) conform to standards established by the Secretary through regulations or guidance.

“(C) REIMBURSEMENT.—State costs for providing nutrition education under this subsection shall be reimbursed pursuant to section 16(a).

“(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible program participants of the availability of nutrition education under this subsection.”.

**SEC. 4112. TECHNICAL CLARIFICATION REGARDING ELIGIBILITY.**

Section 6(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(k)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking “No member” and inserting the following:

“(1) IN GENERAL.—No member”; and

(3) by adding at the end the following:

“(2) PROCEDURES.—The Secretary shall—

“(A) define the terms ‘fleeing’ and ‘actively seeking’ for purposes of this subsection; and

“(B) ensure that State agencies use consistent procedures established by the Secretary that disqualify individuals whom law enforcement authorities are actively seeking for the purpose of holding criminal proceedings against the individual.”.

**SEC. 4113. CLARIFICATION OF SPLIT ISSUANCE.**

Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by striking paragraph (2) and inserting the following:

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—Any procedure established under paragraph (1) shall—

“(i) not reduce the allotment of any household for any period; and

“(ii) ensure that no household experiences an interval between issuances of more than 40 days.

“(B) MULTIPLE ISSUANCES.—The procedure may include issuing benefits to a household in more than 1 issuance during a month only when a benefit correction is necessary.”.

**SEC. 4114. ACCRUAL OF BENEFITS.**

Section 7(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(i)) is amended by adding at the end the following:

“(12) RECOVERING ELECTRONIC BENEFITS.—

“(A) IN GENERAL.—A State agency shall establish a procedure for recovering electronic benefits from the account of a household due to inactivity.

“(B) BENEFIT STORAGE.—A State agency may store recovered electronic benefits off-line in accordance with subparagraph (D), if the household has not accessed the account after 6 months.

“(C) BENEFIT EXPUNGING.—A State agency shall expunge benefits that have not been accessed by a household after a period of 12 months.

“(D) NOTICE.—A State agency shall—

“(i) send notice to a household the benefits of which are stored under subparagraph (B); and

“(ii) not later than 48 hours after request by the household, make the stored benefits available to the household.”.

**SEC. 4115. ISSUANCE AND USE OF PROGRAM BENEFITS.**

(a) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended—

(1) by striking the section designation and heading and all that follows through “subsection (j)) shall be” and inserting the following:

**“SEC. 7. ISSUANCE AND USE OF PROGRAM BENEFITS.**

“(a) IN GENERAL.—Except as provided in subsection (i), EBT cards shall be”;

(2) in subsection (b)—

(A) by striking “(b) Coupons” and inserting the following:

“(b) USE.—Benefits”; and

(B) by striking the second proviso;

(3) in subsection (c)—

(A) by striking “(c) Coupons” and inserting the following:

“(c) DESIGN.—

“(1) IN GENERAL.—EBT cards”;

(B) in the first sentence, by striking “and define their denomination”; and

(C) by striking the second sentence and inserting the following:

“(2) PROHIBITION.—The name of any public official shall not appear on any EBT card.”;

(4) by striking subsection (d);

(5) in subsection (e)—

(A) by striking “coupons” each place it appears and inserting “benefits”; and

(B) by striking “coupon issuers” each place it appears and inserting “benefit issuers”;

(6) in subsection (f)—

(A) by striking “coupons” each place it appears and inserting “benefits”;

(B) by striking “coupon issuer” and inserting “benefit issuers”;

(C) by striking “including any losses” and all that follows through “section 11(e)(20),”; and

(D) by striking “and allotments”;

(7) by striking subsection (g) and inserting the following:

“(g) ALTERNATIVE BENEFIT DELIVERY.—

“(1) IN GENERAL.—If the Secretary determines, in consultation with the Inspector General of the Department of Agriculture, that it would improve the integrity of the supplemental nutrition assistance program, the Secretary shall require a State agency to issue or deliver benefits using alternative methods.

“(2) NO IMPOSITION OF COSTS.—The cost of documents or systems that may be required by this subsection may not be imposed upon a retail food store participating in the supplemental nutrition assistance program.

“(3) DEVALUATION AND TERMINATION OF ISSUANCE OF PAPER COUPONS.—

“(A) COUPON ISSUANCE.—Effective on the date of enactment of the Food, Conservation, and Energy Act of 2008, no State shall issue any coupon, stamp, certificate, or authorization card to a household that receives supplemental nutrition assistance under this Act.

“(B) EBT CARDS.—Effective beginning on the date that is 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, only an EBT card issued under subsection (i) shall be eligible for exchange at any retail food store.

“(C) DE-OBLIGATION OF COUPONS.—Coupons not redeemed during the 1-year period beginning on the date of enactment of the Food, Conservation, and Energy Act of 2008 shall—

“(i) no longer be an obligation of the Federal Government; and

“(ii) not be redeemable.”;

(8) in subsection (h)(1), by striking “coupons” and inserting “benefits”;

(9) in subsection (i), by adding at the end the following:

“(12) INTERCHANGE FEES.—No interchange fees shall apply to electronic benefit transfer transactions under this subsection.”;

(10) in subsection (j)—

(A) in paragraph (2)(A)(ii), by striking “printing, shipping, and redeeming coupons” and inserting “issuing and redeeming benefits”; and

(B) in paragraph (5), by striking “coupon” and inserting “benefit”;

(11) in subsection (k)—

(A) by striking “coupons in the form of” each place it appears and inserting “program benefits in the form of”;

(B) by striking “a coupon issued in the form of” each place it appears and inserting “program benefits in the form of”; and

(C) in subparagraph (A), by striking “subsection (i)(11)(A)” and inserting “subsection (h)(11)(A)”;

(12) by redesignating subsections (e) through (k) as subsections (d) through (j), respectively.

(b) CONFORMING AMENDMENTS.—

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

(A) in subsection (a), by striking “coupons” and inserting “benefits”;

(B) by striking subsection (b) and inserting the following:

“(b) BENEFIT.—The term ‘benefit’ means the value of supplemental nutrition assistance provided to a household by means of—  
“(1) an electronic benefit transfer under section 7(i); or

“(2) other means of providing assistance, as determined by the Secretary.”;

(C) in subsection (c), in the first sentence, by striking “authorization cards” and inserting “benefits”;

(D) in subsection (d), by striking “or access device” and all that follows through the end of the subsection and inserting a period;

(E) in subsection (e)—

(i) by striking “(e) ‘Coupon issuer’ means” and inserting the following:

“(e) BENEFIT ISSUER.—The term ‘benefit issuer’ means”; and

(ii) by striking “coupons” and inserting “benefits”;

(F) in subsection (g)(7), by striking “subsection (r)” and inserting “subsection (j)”;

(G) in subsection (i)(5)—

(i) in subparagraph (B), by striking “subsection (r)” and inserting “subsection (j)”; and

(ii) in subparagraph (D), by striking “coupons” and inserting “benefits”;

(H) in subsection (j), by striking “(as that term is defined in subsection (p))”;

(I) in subsection (k)—

(i) in paragraph (1)(A), by striking “subsection (u)(1)” and inserting “subsection (r)(1)”;

(ii) in paragraph (2), by striking “subsections (g)(3), (4), (5), (7), (8), and (9) of this section” and inserting “paragraphs (3), (4), (5), (7), (8), and (9) of subsection (k)”; and

(iii) in paragraph (3), by striking “subsection (g)(6) of this section” and inserting “subsection (k)(6)”;

(J) in subsection (t), by inserting “, including point of sale devices,” after “other means of access”;

(K) in subsection (u), by striking “(as defined in subsection (g))”;

(L) by adding at the end the following:

“(v) EBT CARD.—The term ‘EBT card’ means an electronic benefit transfer card issued under section 7(i).”; and

(M) by redesignating subsections (a) through (v) as subsections (b), (d), (f), (g), (e), (h), (k), (l), (n), (o), (p), (q), (s), (t), (u), (v), (c), (j), (m), (a), (r), and (i), respectively, and moving the subsections so as to appear in alphabetical order.

(2) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended—

(A) by striking “coupons” each place it appears and inserting “benefits”; and

(B) by striking “Coupons issued” and inserting “benefits issued”.

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

(A) in subsection (a), by striking “section 3(i)(4)” and inserting “section 3(n)(4)”;

(B) in subsection (h)(3)(B), in the second sentence, by striking “section 7(i)” and inserting “section 7(h)”; and

(C) in subsection (i)(2)(E), by striking “, as defined in section 3(i) of this Act,”.

(4) Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—

(A) in subsection (b)(1)—

(i) in subparagraph (B), by striking “coupons or authorization cards” and inserting “program benefits”; and

(ii) by striking “coupons” each place it appears and inserting “benefits”; and

(B) in subsection (d)(4)(L), by striking “section 11(e)(22)” and inserting “section 11(e)(19)”.

(5) Section 8 of the Food and Nutrition Act of 2008 (7 U.S.C. 2017) is amended—

(A) in subsection (b), by striking “, whether through coupons, access devices, or otherwise”; and

(B) in subsections (e)(1) and (f), by striking “section 3(i)(5)” each place it appears and inserting “section 3(n)(5)”.

(6) Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

(A) by striking “coupons” each place it appears and inserting “benefits”; and

(B) in subsection (a)—

(i) in paragraph (1), by striking “coupon business” and inserting “benefit transactions”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) AUTHORIZATION PERIODS.—The Secretary shall establish specific time periods during which authorization to accept and redeem benefits shall be valid under the supplemental nutrition assistance program.”; and

(C) in subsection (g), by striking “section 3(g)(9)” and inserting “section 3(k)(9)”.

(7) Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) is amended—

(A) by striking the section designation and heading and all that follows through “Regulations” and inserting the following:

**“SEC. 10. REDEMPTION OF PROGRAM BENEFITS.**

“Regulations”;

(B) by striking “section 3(k)(4) of this Act” and inserting “section 3(p)(4)”;

(C) by striking “section 7(i)” and inserting “section 7(h)”;

(D) by striking “coupons” each place it appears and inserting “benefits”.

(8) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended—

(A) in subsection (d)—

(i) by striking “section 3(n)(1) of this Act” each place it appears and inserting “section 3(t)(1)”;

(ii) by striking “section 3(n)(2) of this Act” each place it appears and inserting “section 3(t)(2)”;

(B) in subsection (e)—

(i) in paragraph (8)(E), by striking “paragraph (16) or (20)(B)” and inserting “paragraph (15) or (18)(B)”;

(ii) by striking paragraphs (15) and (19);

(iii) by redesignating paragraphs (16) through (18) and (20) through (25) as paragraphs (15) through (17) and (18) through (23), respectively; and

(iv) in paragraph (17) (as so redesignated), by striking “(described in section 3(n)(1) of this Act)” and inserting “described in section 3(t)(1)”;

(C) in subsection (h), by striking “coupon or coupons” and inserting “benefits”;

(D) by striking “coupon” each place it appears and inserting “benefit”;

(E) by striking “coupons” each place it appears and inserting “benefits”; and

(F) in subsection (q), by striking “section 11(e)(20)(B)” and inserting “subsection (e)(18)(B)”.

(9) Section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022) is amended by striking “coupons” each place it appears and inserting “benefits”.

(10) Section 15 of the Food and Nutrition Act of 2008 (7 U.S.C. 2024) is amended—

(A) in subsection (a), by striking “coupons” and inserting “benefits”;

(B) in subsection (b)(1)—

(i) by striking “coupons, authorization cards, or access devices” each place it appears and inserting “benefits”;

(ii) by striking “coupons or authorization cards” and inserting “benefits”; and

(iii) by striking “access device” each place it appears and inserting “benefit”;

(C) in subsection (c), by striking “coupons” each place it appears and inserting “benefits”;

(D) in subsection (d), by striking “Coupons” and inserting “Benefits”;

(E) by striking subsections (e) and (f);

(F) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively; and

(G) in subsection (e) (as so redesignated), by striking “coupon, authorization cards or access devices” and inserting “benefits”.

(11) Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended by striking “coupons” each place it appears and inserting “benefits”.

(12) Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking “coupon” and inserting “benefit”;

(B) in subsection (b)(1)—

(i) in subparagraph (B)—

(I) in clause (iv)—

(aa) in subclause (I), inserting “or otherwise providing benefits in a form not restricted to the purchase of food” after “of cash”;

(bb) in subclause (III)(aa), by striking “section 3(i)” and inserting “section 3(n)”;

(cc) in subclause (VII), by striking “section 7(j)” and inserting “section 7(i)”;

(II) in clause (v)—

(aa) by striking “countersigned food coupons or similar”; and

(bb) by striking “food coupons” and inserting “EBT cards”; and

(ii) in subparagraph (C)(i)(I), by striking “coupons” and inserting “EBT cards”;

(C) in subsection (f), by striking “section 7(g)(2)” and inserting “section 7(f)(2)”; and

(D) in subsection (j), by striking “coupon” and inserting “benefit”.

(13) Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking “section 3(o)(4)” and inserting “section 3(u)(4)”.

(14) Section 21 of the Food and Nutrition Act of 2008 (7 U.S.C. 2030) is repealed.

(15) Section 22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2031) is amended—

(A) by striking “food coupons” each place it appears and inserting “benefits”;

(B) by striking “coupons” each place it appears and inserting “benefits”; and

(C) in subsection (g)(1)(A), by striking “coupon” and inserting “benefits”.

(16) Section 26(f)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2035(f)(3)) is amended—

(A) in subparagraph (A), by striking “subsections (a) through (g)” and inserting “subsections (a) through (f)”; and

(B) in subparagraph (E), by striking “(16), (18), (20), (24), and (25)” and inserting “(15), (17), (18), (22), and (23)”.

(c) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—

(A) USE OF TERMS.—Each provision of law described in subparagraph (B) is amended (as applicable)—

(i) by striking “coupons” each place it appears and inserting “benefits”;

(ii) by striking “coupon” each place it appears and inserting “benefit”;

(iii) by striking “food coupons” each place it appears and inserting “benefits”;

(iv) in each section heading, by striking “**FOOD COUPONS**” each place it appears and inserting “**BENEFITS**”;

(v) by striking “food stamp coupon” each place it appears and inserting “benefit”; and

(vi) by striking “food stamps” each place it appears and inserting “benefits”.

(B) PROVISIONS OF LAW.—The provisions of law referred to in subparagraph (A) are the following:

(i) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418).

(ii) Section 1956(c)(7)(D) of title 18, United States Code.

(iii) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

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(iv) Section 401(b)(3) of the Social Security Amendments of 1972 (42 U.S.C. 1382e note; Public Law 92–603).

(v) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(vi) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)).

(2) DEFINITION REFERENCES.—

(A) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418) is amended by striking “section 3(k)(1)” and inserting “section 3(p)(1)”.

(B) Section 205 of the Food Stamp Program Improvements Act of 1994 (7 U.S.C. 2012 note; Public Law 103–225) is amended by striking “section 3(k) of such Act (as amended by section 201)” and inserting “section 3(p) of that Act”.

(C) Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a) is amended—

(i) by striking “section 3(h)” each place it appears and inserting “section 3(l)”; and

(ii) in subsection (e)(2), by striking “section 3(m)” and inserting “section 3(s)”.

(D) Section 402(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)) is amended—

(i) in paragraph (2)(F)(ii), by striking “section 3(r)” and inserting “section 3(j)”; and

(ii) in paragraph (3)(B), by striking “section 3(h)” and inserting “section 3(l)”.

(E) Section 3803(c)(2)(C)(vii) of title 31, United States Code, is amended by striking “section 3(h)” and inserting “section 3(l)”.

(F) Section 303(d)(4) of the Social Security Act (42 U.S.C. 503(d)(4)) is amended by striking “section 3(n)(1)” and inserting “section 3(t)(1)”.

(G) Section 404 of the Social Security Act (42 U.S.C. 604) is amended by striking “section 3(h)” each place it appears and inserting “section 3(l)”.

(H) Section 531 of the Social Security Act (42 U.S.C. 654) is amended by striking “section 3(h)” each place it appears and inserting “section 3(l)”.

(I) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)) is amended by striking “(as defined in section 3(e) of such Act)”.

(d) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to a “coupon”, “authorization card”, or other access device provided under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to a “benefit” provided under that Act.

**SEC. 4116. REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.**

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking the section enumerator and heading and subsection (a) and inserting the following:

**“SEC. 11. ADMINISTRATION.**

“(a) STATE RESPONSIBILITY.—

“(1) IN GENERAL.—The State agency of each participating State shall have responsibility for certifying applicant households and issuing EBT cards.

“(2) LOCAL ADMINISTRATION.—The responsibility of the agency of the State government shall not be affected by whether the program is operated on a State-administered or county-administered basis, as provided under section 3(t)(1).

“(3) RECORDS.—

“(A) IN GENERAL.—Each State agency shall keep such records as may be necessary to determine whether the program is being conducted in compliance with this Act (including regulations issued under this Act).

“(B) INSPECTION AND AUDIT.—Records described in subparagraph (A) shall—

“(i) be available for inspection and audit at any reasonable time;

“(ii) subject to subsection (e)(8), be available for review in any action filed by a household to enforce any provision of this Act (including regulations issued under this Act); and

“(iii) be preserved for such period of not less than 3 years as may be specified in regulations.

“(4) REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.—

“(A) IN GENERAL.—The Secretary shall develop standards for identifying major changes in the operations of a State agency, including—

“(i) large or substantially-increased numbers of low-income households that do not live in reasonable proximity to an office performing the major functions described in subsection (e);

“(ii) substantial increases in reliance on automated systems for the performance of responsibilities previously performed by personnel described in subsection (e)(6)(B);

“(iii) changes that potentially increase the difficulty of reporting information under subsection (e) or section 6(c); and

“(iv) changes that may disproportionately increase the burdens on any of the types of households described in subsection (e)(2)(A).

“(B) NOTIFICATION.—If a State agency implements a major change in operations, the State agency shall—

“(i) notify the Secretary; and

“(ii) collect such information as the Secretary shall require to identify and correct any adverse effects on program integrity or access, including access by any of the types of households described in subsection (e)(2)(A).”.

**SEC. 4117. CIVIL RIGHTS COMPLIANCE.**

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (c) and inserting the following:

“(c) CIVIL RIGHTS COMPLIANCE.—

“(1) IN GENERAL.—In the certification of applicant households for the supplemental nutrition assistance program, there shall be no discrimination by reason of race, sex, religious creed, national origin, or political affiliation.

“(2) RELATION TO OTHER LAWS.—The administration of the program by a State agency shall be consistent with the rights of households under the following laws (including implementing regulations):

“(A) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

“(B) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

“(C) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

“(D) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).”

**SEC. 4118. CODIFICATION OF ACCESS RULES.**

Section 11(e)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(1)) is amended—

(1) by striking “shall (A) at” and inserting “shall—

“(A) at”; and

(2) by striking “and (B) use” and inserting “and

“(B) comply with regulations of the Secretary requiring the use of”.

**SEC. 4119. STATE OPTION FOR TELEPHONIC SIGNATURE.**

Section 11(e)(2)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(2)(C)) is amended—

(1) by striking “(C) Nothing in this Act” and inserting the following:

“(C) ELECTRONIC AND AUTOMATED SYSTEMS.—

“(i) IN GENERAL.—Nothing in this Act”; and

(2) by adding at the end the following:

“(ii) STATE OPTION FOR TELEPHONIC SIGNATURE.—

A State agency may establish a system by which an applicant household may sign an application through a recorded verbal assent over the telephone.

“(iii) REQUIREMENTS.—A system established under clause (ii) shall—

“(I) record for future reference the verbal assent of the household member and the information to which assent was given;

“(II) include effective safeguards against impersonation, identity theft, and invasions of privacy;

“(III) not deny or interfere with the right of the household to apply in writing;

“(IV) promptly provide to the household member a written copy of the completed application, with instructions for a simple procedure for correcting any errors or omissions;

“(V) comply with paragraph (1)(B);

“(VI) satisfy all requirements for a signature on an application under this Act and other laws applicable to the supplemental nutrition assistance program, with the date on which the household

member provides verbal assent considered as the date of application for all purposes; and

“(VII) comply with such other standards as the Secretary may establish.”.

**SEC. 4120. PRIVACY PROTECTIONS.**

Section 11(e)(8) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(8)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “limit” and inserting “prohibit”; and

(B) by striking “to persons” and all that follows through “State programs”;

(2) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following:

“(A) the safeguards shall permit—

“(i) the disclosure of such information to persons directly connected with the administration or enforcement of the provisions of this Act, regulations issued pursuant to this Act, Federal assistance programs, or federally-assisted State programs; and

“(ii) the subsequent use of the information by persons described in clause (i) only for such administration or enforcement;”;

(4) in subparagraph (F) (as so redesignated) by inserting “or subsection (u)” before the semicolon at the end.

**SEC. 4121. PRESERVATION OF ACCESS AND PAYMENT ACCURACY.**

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (g) and inserting the following:

“(g) COST SHARING FOR COMPUTERIZATION.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary is authorized to pay to each State agency the amount provided under subsection (a)(6) for the costs incurred by the State agency in the planning, design, development, or installation of 1 or more automatic data processing and information retrieval systems that the Secretary determines—

“(A) would assist in meeting the requirements of this Act;

“(B) meet such conditions as the Secretary prescribes;

“(C) are likely to provide more efficient and effective administration of the supplemental nutrition assistance program;

“(D) would be compatible with other systems used in the administration of State programs, including the program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

“(E) would be tested adequately before and after implementation, including through pilot projects in limited areas for major systems changes as determined under rules promulgated by the Secretary, data from which shall be thoroughly evaluated before the Secretary approves the system to be implemented more broadly; and

“(F) would be operated in accordance with an adequate plan for—

“(i) continuous updating to reflect changed policy and circumstances; and

“(ii) testing the effect of the system on access for eligible households and on payment accuracy.

“(2) LIMITATION.—The Secretary shall not make payments to a State agency under paragraph (1) to the extent that the State agency—

“(A) is reimbursed for the costs under any other Federal program; or

“(B) uses the systems for purposes not connected with the supplemental nutrition assistance program.”.

**SEC. 4122. FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.**

Section 16(h)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) is amended in subparagraph (A), by striking “to remain available until expended” and inserting “to remain available for 15 months”.

**PART IV—PROGRAM INTEGRITY**

**SEC. 4131. ELIGIBILITY DISQUALIFICATION.**

Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

“(p) DISQUALIFICATION FOR OBTAINING CASH BY DESTROYING FOOD AND COLLECTING DEPOSITS.—Subject to any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under subsection (b) to have intentionally obtained cash by purchasing products with supplemental nutrition assistance program benefits that have containers that require return deposits, discarding the product, and returning the container for the deposit amount shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.

“(q) DISQUALIFICATION FOR SALE OF FOOD PURCHASED WITH SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS.—Subject to any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under subsection (b) to have intentionally sold any food that was purchased using supplemental nutrition assistance program benefits shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.”.

**SEC. 4132. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.**

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

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

**“SEC. 12. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.**

“(a) DISQUALIFICATION.—

“(1) IN GENERAL.—An approved retail food store or wholesale food concern that violates a provision of this Act or a regulation under this Act may be—

“(A) disqualified for a specified period of time from further participation in the supplemental nutrition assistance program;

“(B) assessed a civil penalty of up to \$100,000 for each violation; or

“(C) both.

“(2) REGULATIONS.—Regulations promulgated under this Act shall provide criteria for the finding of a violation of, the suspension or disqualification of and the assessment of a civil penalty against a retail food store or wholesale food concern on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, or evidence obtained through a transaction report under an electronic benefit transfer system.”;

(2) in subsection (b)—

(A) by striking “(b) Disqualification” and inserting the following:

“(b) PERIOD OF DISQUALIFICATION.—Subject to subsection (c), a disqualification”;

(B) in paragraph (1), by striking “of no less than six months nor more than five years” and inserting “not to exceed 5 years”;

(C) in paragraph (2), by striking “of no less than twelve months nor more than ten years” and inserting “not to exceed 10 years”;

(D) in paragraph (3)(B)—

(i) by inserting “or a finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of EBT cards” after “concern” the first place it appears; and

(ii) by striking “civil money penalties” and inserting “civil penalties”; and

(E) by striking “civil money penalty” each place it appears and inserting “civil penalty”;

(3) in subsection (c)—

(A) by striking “(c) The action” and inserting the following:

“(c) CIVIL PENALTY AND REVIEW OF DISQUALIFICATION AND PENALTY DETERMINATIONS.—

“(1) CIVIL PENALTY.—In addition to a disqualification under this section, the Secretary may assess a civil penalty in an amount not to exceed \$100,000 for each violation.

“(2) REVIEW.—The action”; and

(B) in paragraph (2) (as designated by subparagraph (A)), by striking “civil money penalty” and inserting “civil penalty”;

(4) in subsection (d)—

(A) by striking “(d)” and all that follows through “The Secretary shall” and inserting the following:

“(d) CONDITIONS OF AUTHORIZATION.—

“(1) IN GENERAL.—As a condition of authorization to accept and redeem benefits, the Secretary may require a retail food store or wholesale food concern that, pursuant to subsection (a), has been disqualified for more than 180 days, or has been subjected to a civil penalty in lieu of a disqualification period of more than 180 days, to furnish a collateral bond or irrevocable letter of credit for a period of not more than 5 years

to cover the value of benefits that the store or concern may in the future accept and redeem in violation of this Act.

“(2) COLLATERAL.—The Secretary also may require a retail food store or wholesale food concern that has been sanctioned for a violation and incurs a subsequent sanction regardless of the length of the disqualification period to submit a collateral bond or irrevocable letter of credit.

“(3) BOND REQUIREMENTS.—The Secretary shall”;

(B) by striking “If the Secretary finds” and inserting the following

“(4) FORFEITURE.—If the Secretary finds”; and

(C) by striking “Such store or concern” and inserting the following:

“(5) HEARING.—A store or concern described in paragraph (4)”;

(5) in subsection (e), by striking “civil money penalty” each place it appears and inserting “civil penalty”; and

(6) by adding at the end the following:

“(h) FLAGRANT VIOLATIONS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Inspector General of the Department of Agriculture, shall establish procedures under which the processing of program benefit redemptions for a retail food store or wholesale food concern may be immediately suspended pending administrative action to disqualify the retail food store or wholesale food concern.

“(2) REQUIREMENTS.—Under the procedures described in paragraph (1), if the Secretary, in consultation with the Inspector General, determines that a retail food store or wholesale food concern is engaged in flagrant violations of this Act (including regulations promulgated under this Act), unsettled program benefits that have been redeemed by the retail food store or wholesale food concern—

“(A) may be suspended; and

“(B)(i) if the program disqualification is upheld, may be subject to forfeiture pursuant to section 15(g); or

“(ii) if the program disqualification is not upheld, shall be released to the retail food store or wholesale food concern.

“(3) NO LIABILITY FOR INTEREST.—The Secretary shall not be liable for the value of any interest on funds suspended under this subsection.”.

#### **SEC. 4133. MAJOR SYSTEMS FAILURES.**

Section 13(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2022(b)) is amended by adding at the end the following:

“(5) OVERISSUANCES CAUSED BY SYSTEMIC STATE ERRORS.—

“(A) IN GENERAL.—If the Secretary determines that a State agency overissued benefits to a substantial number of households in a fiscal year as a result of a major systemic error by the State agency, as defined by the Secretary, the Secretary may prohibit the State agency from collecting these overissuances from some or all households.

“(B) PROCEDURES.—

“(i) INFORMATION REPORTING BY STATES.—Every State agency shall provide to the Secretary all information requested by the Secretary concerning the issuance

of benefits to households by the State agency in the applicable fiscal year.

“(ii) FINAL DETERMINATION.—After reviewing relevant information provided by a State agency, the Secretary shall make a final determination—

“(I) whether the State agency overissued benefits to a substantial number of households as a result of a systemic error in the applicable fiscal year; and

“(II) as to the amount of the overissuance in the applicable fiscal year for which the State agency is liable.

“(iii) ESTABLISHING A CLAIM.—Upon determining under clause (ii) that a State agency has overissued benefits to households due to a major systemic error determined under subparagraph (A), the Secretary shall establish a claim against the State agency equal to the value of the overissuance caused by the systemic error.

“(iv) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative and judicial review, as provided in section 14, shall apply to the final determinations by the Secretary under clause (ii).

“(v) REMISSION TO THE SECRETARY.—

“(I) DETERMINATION NOT APPEALED.—If the determination of the Secretary under clause (ii) is not appealed, the State agency shall, as soon as practicable, remit to the Secretary the dollar amount specified in the claim under clause (iii).

“(II) DETERMINATION APPEALED.—If the determination of the Secretary under clause (ii) is appealed, upon completion of administrative and judicial review under clause (iv), and a finding of liability on the part of the State, the appealing State agency shall, as soon as practicable, remit to the Secretary a dollar amount subject to the finding made in the administrative and judicial review.

“(vi) ALTERNATIVE METHOD OF COLLECTION.—

“(I) IN GENERAL.—If a State agency fails to make a payment under clause (v) within a reasonable period of time, as determined by the Secretary, the Secretary may reduce any amount due to the State agency under any other provision of this Act by the amount due.

“(II) ACCRUAL OF INTEREST.—During the period of time determined by the Secretary to be reasonable under subclause (I), interest in the amount owed shall not accrue.

“(vii) LIMITATION.—Any liability amount established under section 16(c)(1)(C) shall be reduced by the amount of the claim established under this subparagraph.”.

## PART V—MISCELLANEOUS

### SEC. 4141. PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended by adding at the end the following:

“(k) PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out, under such terms and conditions as the Secretary considers to be appropriate, pilot projects to develop and test methods—

“(A) of using the supplemental nutrition assistance program to improve the dietary and health status of households eligible for or participating in the supplemental nutrition assistance program; and

“(B) to reduce overweight, obesity (including childhood obesity), and associated co-morbidities in the United States.

“(2) GRANTS.—

“(A) 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 defined by the Secretary), for use in accordance with projects that meet the strategy goals of this subsection.

“(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or grant under this paragraph, an organization 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.—Pilot projects shall be evaluated against publicly disseminated criteria that may include—

“(i) identification of a low-income target audience that corresponds to individuals living in households with incomes at or below 185 percent of the poverty level;

“(ii) incorporation of a scientifically based strategy that is designed to improve diet quality through more healthful food purchases, preparation, or consumption;

“(iii) a commitment to a pilot project that allows for a rigorous outcome evaluation, including data collection;

“(iv) strategies to improve the nutritional value of food served during school hours and during after-school hours;

“(v) innovative ways to provide significant improvement to the health and wellness of children;

“(vi) other criteria, as determined by the Secretary.

“(D) USE OF FUNDS.—Funds provided under this paragraph shall not be used for any project that limits the use of benefits under this Act.

“(3) PROJECTS.—Pilot projects carried out under paragraph (1) may include projects to determine whether healthier food

purchases by and healthier diets among households participating in the supplemental nutrition assistance program result from projects that—

“(A) increase the supplemental nutrition assistance purchasing power of the participating households by providing increased supplemental nutrition assistance program benefit allotments to the participating households;

“(B) increase access to farmers markets by participating households through the electronic redemption of supplemental nutrition assistance program benefits at farmers’ markets;

“(C) provide incentives to authorized supplemental nutrition assistance program retailers to increase the availability of healthy foods to participating households;

“(D) subject authorized supplemental nutrition assistance program retailers to stricter retailer requirements with respect to carrying and stocking healthful foods;

“(E) provide incentives at the point of purchase to encourage households participating in the supplemental nutrition assistance program to purchase fruits, vegetables, or other healthful foods; or

“(F) provide to participating households integrated communication and education programs, including the provision of funding for a portion of a school-based nutrition coordinator to implement a broad nutrition action plan and parent nutrition education programs in elementary schools, separately or in combination with pilot projects carried out under subparagraphs (A) through (E).

“(4) EVALUATION AND REPORTING.—

“(A) EVALUATION.—

“(i) INDEPENDENT EVALUATION.—

“(I) IN GENERAL.—The Secretary shall provide for an independent evaluation of projects selected under this subsection that measures the impact of the pilot program on health and nutrition as described in paragraph (1).

“(II) REQUIREMENT.—The independent evaluation under subclause (I) shall use rigorous methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective.

“(ii) COSTS.—The Secretary may use funds provided to carry out this section to pay costs associated with monitoring and evaluating each pilot project.

“(B) REPORTING.—Not later than 90 days after the last day of fiscal year 2009 and each fiscal year thereafter until the completion of the last evaluation under subparagraph (A), 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 includes a description of—

“(i) the status of each pilot project;

“(ii) the results of the evaluation completed during the previous fiscal year; and

“(iii) to the maximum extent practicable—

“(I) the impact of the pilot project on appropriate health, nutrition, and associated behavioral outcomes among households participating in the pilot project;

“(II) baseline information relevant to the stated goals and desired outcomes of the pilot project; and

“(III) equivalent information about similar or identical measures among control or comparison groups that did not participate in the pilot project.

“(C) PUBLIC DISSEMINATION.—In addition to the reporting requirements under subparagraph (B), evaluation results shall be shared broadly to inform policy makers, service providers, other partners, and the public in order to promote wide use of successful strategies.

“(5) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

“(B) MANDATORY FUNDING.—Out of any funds made available under section 18, on October 1, 2008, the Secretary shall make available \$20,000,000 to carry out a project described in paragraph (3)(E), to remain available until expended.”

**SEC. 4142. STUDY ON COMPARABLE ACCESS TO SUPPLEMENTAL NUTRITION ASSISTANCE FOR PUERTO RICO.**

(a) IN GENERAL.—The Secretary shall carry out a study of the feasibility and effects of including the Commonwealth of Puerto Rico in the definition of the term “State” under section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), in lieu of providing block grants under section 19 of that Act (7 U.S.C. 2028).

(b) INCLUSIONS.—The study shall include—

(1) an assessment of the administrative, financial management, and other changes that would be necessary for the Commonwealth to establish a comparable supplemental nutrition assistance program, including compliance with appropriate program rules under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), such as—

(A) benefit levels under section 3(u) of that Act (7 U.S.C. 2012(u));

(B) income eligibility standards under sections 5(c) and 6 of that Act (7 U.S.C. 2014(c), 2015); and

(C) deduction levels under section 5(e) of that Act (7 U.S.C. 2014(e));

(2) an estimate of the impact on Federal and Commonwealth benefit and administrative costs;

(3) an assessment of the impact of the program on low-income Puerto Ricans, as compared to the program under section 19 of that Act (7 U.S.C. 2028); and

(4) such other matters as the Secretary considers to be appropriate.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, 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 describes the results of the study conducted under this section.

(d) FUNDING.—

(1) IN GENERAL.—On October 1, 2008, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$1,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

## **Subtitle B—Food Distribution Programs**

### **PART I—EMERGENCY FOOD ASSISTANCE PROGRAM**

#### **SEC. 4201. EMERGENCY FOOD ASSISTANCE.**

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

(1) by striking “(A) PURCHASE OF COMMODITIES” and all that follows through “\$140,000,000 of” and inserting the following:

“(a) PURCHASE OF COMMODITIES.—

“(1) IN GENERAL.—From amounts made available to carry out this Act, for each of the fiscal years 2008 through 2012, the Secretary shall purchase a dollar amount described in paragraph (2) of”;

(2) by adding at the end the following:

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

“(A) for fiscal year 2008, \$190,000,000;

“(B) for fiscal year 2009, \$250,000,000; and

“(C) for each of fiscal years 2010 through 2012, the dollar amount of commodities specified in subparagraph (B) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30, 2008, and June 30 of the immediately preceding fiscal year.”.

(b) STATE PLANS.—Section 202A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7503) is amended by striking subsection (a) and inserting the following:

“(a) PLANS.—

“(1) IN GENERAL.—To receive commodities under this Act, a State shall submit to the Secretary an operation and administration plan for the provision of benefits under this Act.

“(2) UPDATES.—A State shall submit to the Secretary for approval any amendment to a plan submitted under paragraph (1) in any case in which the State proposes to make a change to the operation or administration of a program described in the plan.”.

(c) AUTHORIZATION AND APPROPRIATIONS.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence—

(1) by striking “\$60,000,000” and inserting “\$100,000,000”; and

(2) by inserting “and donated wild game” before the period at the end.

**SEC. 4202. EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.**

The Emergency Food Assistance Act of 1983 is amended by inserting after section 208 (7 U.S.C. 7511) the following:

**“SEC. 209. EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.**

“(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means an emergency feeding organization.

“(b) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary shall use funds made available under subsection (d) to make grants to eligible entities to pay the costs of an activity described in subsection (c).

“(2) RURAL PREFERENCE.—The Secretary shall use not less than 50 percent of the funds described in paragraph (1) for a fiscal year to make grants to eligible entities that serve predominantly rural communities for the purposes of—

“(A) expanding the capacity and infrastructure of food banks, State-wide food bank associations, and food bank collaboratives that operate in rural areas; and

“(B) improving the capacity of the food banks to procure, receive, store, distribute, track, and deliver time-sensitive or perishable food products.

“(c) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

“(1) the development and maintenance of a computerized system for the tracking of time-sensitive food products;

“(2) capital, infrastructure, and operating costs associated with the collection, storage, distribution, and transportation of time-sensitive and perishable food products;

“(3) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of small or mid-size farms and ranches, fisheries, and aquaculture, and donations from local food producers and manufacturers to persons in need;

“(4) providing recovered foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States;

“(5) improving the identification of—

“(A) potential providers of donated foods;

“(B) potential nonprofit emergency food providers; and

“(C) persons in need of emergency food assistance in rural areas; and

“(6) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2008 through 2012.”.

## **PART II—FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS**

### **SEC. 4211. ASSESSING THE NUTRITIONAL VALUE OF THE FDPIR FOOD PACKAGE.**

(a) **IN GENERAL.**—Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended by striking subsection (b) and inserting the following:

“(b) **FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.**—

“(1) **IN GENERAL.**—Distribution of commodities, with or without the supplemental nutrition assistance program, shall be made whenever a request for concurrent or separate food program operations, respectively, is made by a tribal organization.

“(2) **ADMINISTRATION.**—

“(A) **IN GENERAL.**—Subject to subparagraphs (B) and (C), in the event of distribution on all or part of an Indian reservation, the appropriate agency of the State government in the area involved shall be responsible for the distribution.

“(B) **ADMINISTRATION BY TRIBAL ORGANIZATION.**—If the Secretary determines that a tribal organization is capable of effectively and efficiently administering a distribution described in paragraph (1), then the tribal organization shall administer the distribution.

“(C) **PROHIBITION.**—The Secretary shall not approve any plan for a distribution described in paragraph (1) that permits any household on any Indian reservation to participate simultaneously in the supplemental nutrition assistance program and the program established under this subsection.

“(3) **DISQUALIFIED PARTICIPANTS.**—An individual who is disqualified from participation in the food distribution program on Indian reservations under this subsection is not eligible to participate in the supplemental nutrition assistance program under this Act for a period of time to be determined by the Secretary.

“(4) **ADMINISTRATIVE COSTS.**—The Secretary is authorized to pay such amounts for administrative costs and distribution costs on Indian reservations as the Secretary finds necessary for effective administration of such distribution by a State agency or tribal organization.

“(5) **BISON MEAT.**—Subject to the availability of appropriations to carry out this paragraph, the Secretary may purchase bison meat for recipients of food distributed under this subsection, including bison meat from—

“(A) Native American bison producers; and

“(B) producer-owned cooperatives of bison ranchers.

“(6) **TRADITIONAL AND LOCALLY-GROWN FOOD FUND.**—

“(A) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary shall establish a fund for use in purchasing traditional and locally-grown foods for recipients of food distributed under this subsection.

“(B) **NATIVE AMERICAN PRODUCERS.**—Where practicable, of the food provided under subparagraph (A), at

least 50 percent shall be produced by Native American farmers, ranchers, and producers.

“(C) DEFINITION OF TRADITIONAL AND LOCALLY GROWN.—The Secretary shall determine the definition of the term ‘traditional and locally-grown’ with respect to food distributed under this paragraph.

“(D) SURVEY.—In carrying out this paragraph, the Secretary shall—

“(i) survey participants of the food distribution program on Indian reservations established under this subsection to determine which traditional foods are most desired by those participants; and

“(ii) purchase or offer to purchase those traditional foods that may be procured cost-effectively.

“(E) REPORT.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, 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 describing the activities carried out under this paragraph during the preceding calendar year.

“(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph \$5,000,000 for each of fiscal years 2008 through 2012.”.

(b) FDPIR FOOD PACKAGE.—Not later than 180 days after the date of enactment of this Act, 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 describes—

(1) how the Secretary derives the process for determining the food package under the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) (referred to in this subsection as the “food package”);

(2) the extent to which the food package—

(A) addresses the nutritional needs of low-income Native Americans compared to the supplemental nutrition assistance program, particularly for very low-income households;

(B) conforms (or fails to conform) to the 2005 Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(C) addresses (or fails to address) the nutritional and health challenges that are specific to Native Americans; and

(D) is limited by distribution costs or challenges in infrastructure; and

(3)(A) any plans of the Secretary to revise and update the food package to conform with the most recent Dietary Guidelines for Americans, including any costs associated with the planned changes; or

(B) if the Secretary does not plan changes to the food package, the rationale of the Secretary for retaining the food package.

### **PART III—COMMODITY SUPPLEMENTAL FOOD PROGRAM**

#### **SEC. 4221. COMMODITY SUPPLEMENTAL FOOD PROGRAM.**

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended by striking subsection (g) and inserting the following:

“(g) PROHIBITION.—Notwithstanding any other provision of law (including regulations), the Secretary may not require a State or local agency to prioritize assistance to a particular group of individuals that are—

- “(1) low-income persons aged 60 and older; or
- “(2) women, infants, and children.”.

### **PART IV—SENIOR FARMERS’ MARKET NUTRITION PROGRAM**

#### **SEC. 4231. SENIORS FARMERS’ MARKET NUTRITION PROGRAM.**

Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended—

(1) in subsection (b)(1), by inserting “honey,” after “vegetables,”;

(2) by striking subsection (c) and inserting the following:

“(c) EXCLUSION OF BENEFITS IN DETERMINING ELIGIBILITY FOR OTHER PROGRAMS.—The value of any benefit provided to any eligible seniors farmers’ market nutrition program recipient under this section shall not be considered to be income or resources for any purposes under any Federal, State, or local law.”; and

(3) by adding at the end the following:

“(d) PROHIBITION ON COLLECTION OF SALES TAX.—Each State shall ensure that no State or local tax is collected within the State on a purchase of food with a benefit distributed under the seniors farmers’ market nutrition program.

“(e) REGULATIONS.—The Secretary may promulgate such regulations as the Secretary considers to be necessary to carry out the seniors farmers’ market nutrition program.”.

### **Subtitle C—Child Nutrition and Related Programs**

#### **SEC. 4301. STATE PERFORMANCE ON ENROLLING CHILDREN RECEIVING PROGRAM BENEFITS FOR FREE SCHOOL MEALS.**

(a) IN GENERAL.—Not later than December 31, 2008 and June 30 of each year thereafter, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that assesses the effectiveness of each State in enrolling school-aged children in households receiving program benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (referred to in this section as “program benefits”) for free school meals using direct certification.

(b) SPECIFIC MEASURES.—The assessment of the Secretary of the performance of each State shall include—

(1) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year;

(2) an estimate of the number of school-aged children, by State, who were directly certified as eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), based on receipt of program benefits, as of October 1 of the prior year; and

(3) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year who were not candidates for direct certification because on October 1 of the prior year the children attended a school operating under the special assistance provisions of section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) that is not operating in a base year.

(c) PERFORMANCE INNOVATIONS.—The report of the Secretary shall describe best practices from States with the best performance or the most improved performance from the previous year.

**SEC. 4302. PURCHASES OF LOCALLY PRODUCED FOODS.**

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended to read as follows:

“(j) PURCHASES OF LOCALLY PRODUCED FOODS.—The Secretary shall—

“(1) encourage institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to purchase unprocessed agricultural products, both locally grown and locally raised, to the maximum extent practicable and appropriate;

“(2) advise institutions participating in a program described in paragraph (1) of the policy described in that paragraph and paragraph (3) and post information concerning the policy on the website maintained by the Secretary; and

“(3) allow institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), including the Department of Defense Fresh Fruit and Vegetable Program, to use a geographic preference for the procurement of unprocessed agricultural products, both locally grown and locally raised.”.

**SEC. 4303. HEALTHY FOOD EDUCATION AND PROGRAM REPLICABILITY.**

Section 18(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)) is amended—

(1) in paragraph (1)(C), by inserting “promotes healthy food education in the school curriculum and” before “incorporates”;

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following:

“(2) ADMINISTRATION.—In providing grants under paragraph (1), the Secretary shall give priority to projects that can be replicated in schools.

“(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) **ELIGIBLE PROGRAM.**—The term ‘eligible program’ means—

“(I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or

“(II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

“(ii) **ELIGIBLE SCHOOL.**—The term ‘eligible school’ means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

“(B) **ESTABLISHMENT.**—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

“(i) be planted, cared for, and harvested by students at the eligible schools; and

“(ii) teach the students participating in the community gardens about agriculture production practices and diet.

“(C) **PRIORITY STATES.**—Of the States in which grantees under this paragraph are located—

“(i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;

“(ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and

“(iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

“(D) **USE OF PRODUCE.**—Produce from a community garden provided a grant under this paragraph may be—

“(i) used to supplement food provided at the eligible school;

“(ii) distributed to students to bring home to the families of the students; or

“(iii) donated to a local food bank or senior center nutrition program.

“(E) **NO COST-SHARING REQUIREMENT.**—A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

“(F) **EVALUATION.**—A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation in accordance with paragraph (1)(H).”.

**SEC. 4304. FRESH FRUIT AND VEGETABLE PROGRAM.**

(a) **PROGRAM.**—

(1) **IN GENERAL.**—The Richard B. Russell National School Lunch Act is amended by inserting after section 18 (42 U.S.C. 1769) the following:

**“SEC. 19. FRESH FRUIT AND VEGETABLE PROGRAM.**

“(a) IN GENERAL.—For the school year beginning July 2008 and each subsequent school year, the Secretary shall provide grants to States to carry out a program to make free fresh fruits and vegetables available in elementary schools (referred to in this section as the ‘program’).

“(b) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day (or at such other times as are considered appropriate by the Secretary) in 1 or more areas designated by the school.

“(c) FUNDING TO STATES.—

“(1) MINIMUM GRANT.—Except as provided in subsection (i)(2), the Secretary shall provide to each of the 50 States and the District of Columbia an annual grant in an amount equal to 1 percent of the funds made available for a year to carry out the program.

“(2) ADDITIONAL FUNDING.—Of the funds remaining after grants are made under paragraph (1), the Secretary shall allocate additional funds to each State that is operating a school lunch program under section 4 based on the proportion that—

“(A) the population of the State; bears to

“(B) the population of the United States.

“(d) SELECTION OF SCHOOLS.—

“(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and section 4304(a)(2) of the Food, Conservation, and Energy Act of 2008, each year, in selecting schools to participate in the program, each State shall—

“(A) ensure that each school chosen to participate in the program is a school—

“(i) in which not less than 50 percent of the students are eligible for free or reduced price meals under this Act; and

“(ii) that submits an application in accordance with subparagraph (D);

“(B) to the maximum extent practicable, give the highest priority to schools with the highest proportion of children who are eligible for free or reduced price meals under this Act;

“(C) ensure that each school selected is an elementary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

“(D) solicit applications from interested schools that include—

“(i) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

“(ii) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school);

“(iii) a plan for implementation of the program, including efforts to integrate activities carried out under this section with other efforts to promote sound health and nutrition, reduce overweight and obesity, or promote physical activity; and

“(iv) such other information as may be requested by the Secretary; and

“(E) encourage applicants to submit a plan for implementation of the program that includes a partnership with 1 or more entities that will provide non-Federal resources (including entities representing the fruit and vegetable industry).

“(2) EXCEPTION.—Clause (i) of paragraph (1)(A) shall not apply to a State if all schools that meet the requirements of that clause have been selected and the State does not have a sufficient number of additional schools that meet the requirement of that clause.

“(3) OUTREACH TO LOW-INCOME SCHOOLS.—

“(A) IN GENERAL.—Prior to making decisions regarding school participation in the program, a State agency shall inform the schools within the State with the highest proportion of free and reduced price meal eligibility, including Native American schools, of the eligibility of the schools for the program with respect to priority granted to schools with the highest proportion of free and reduced price eligibility under paragraph (1)(B).

“(B) REQUIREMENT.—In providing information to schools in accordance with subparagraph (A), a State agency shall inform the schools that would likely be chosen to participate in the program under paragraph (1)(B).

“(e) NOTICE OF AVAILABILITY.—If selected to participate in the program, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

“(f) PER-STUDENT GRANT.—The per-student grant provided to a school under this section shall be—

“(1) determined by a State agency; and

“(2) not less than \$50, nor more than \$75.

“(g) LIMITATION.—To the maximum extent practicable, each State agency shall ensure that in making the fruits and vegetables provided under this section available to students, schools offer the fruits and vegetables separately from meals otherwise provided at the school under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(h) EVALUATION AND REPORTS.—

“(1) IN GENERAL.—The Secretary shall conduct an evaluation of the program, including a determination as to whether children experienced, as a result of participating in the program—

“(A) increased consumption of fruits and vegetables;

“(B) other dietary changes, such as decreased consumption of less nutritious foods; and

“(C) such other outcomes as are considered appropriate by the Secretary.

“(2) REPORT.—Not later than September 30, 2011, the Secretary shall submit to 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 describes the results of the evaluation under paragraph (1).

“(i) FUNDING.—

“(1) IN GENERAL.—Out of the funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation,

and Energy Act of 2008, the Secretary shall use the following amounts to carry out this section:

“(A) On October 1, 2008, \$40,000,000.

“(B) On July 1, 2009, \$65,000,000.

“(C) On July 1, 2010, \$101,000,000.

“(D) On July 1, 2011, \$150,000,000.

“(E) On July 1, 2012, and each July 1 thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding April 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

“(2) MAINTENANCE OF EXISTING FUNDING.—In allocating funding made available under paragraph (1) among the States in accordance with subsection (c), the Secretary shall ensure that each State that received funding under section 18(f) on the day before the date of enactment of the Food, Conservation, and Energy Act of 2008 shall continue to receive sufficient funding under this section to maintain the caseload level of the State under that section as in effect on that date.

“(3) EVALUATION FUNDING.—On October 1, 2008, out of any funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation, and Energy Act of 2008, the Secretary shall use to carry out the evaluation required under subsection (h), \$3,000,000, to remain available for obligation until September 30, 2010.

“(4) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section any funds transferred for that purpose, without further appropriation.

“(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available to carry out this section, there are authorized to be appropriated such sums as are necessary to expand the program established under this section.

“(6) ADMINISTRATIVE COSTS.—

“(A) IN GENERAL.—Of funds made available to carry out this section for a fiscal year, the Secretary may use not more than \$500,000 for the administrative costs of carrying out the program.

“(B) RESERVATION OF FUNDS.—The Secretary shall allow each State to reserve such funding as the Secretary determines to be necessary to administer the program in the State (with adjustments for the size of the State and the grant amount), but not to exceed the amount required to pay the costs of 1 full-time coordinator for the program in the State.

“(7) REALLOCATION.—

“(A) AMONG STATES.—The Secretary may reallocate any amounts made available to carry out this section that are not obligated or expended by a date determined by the Secretary.

“(B) WITHIN STATES.—A State that receives a grant under this section may reallocate any amounts made available under the grant that are not obligated or expended by a date determined by the Secretary.”.

(2) TRANSITION OF EXISTING SCHOOLS.—

(A) EXISTING SECONDARY SCHOOLS.—Section 19(d)(1)(C) of the Richard B. Russell National School Lunch Act (as amended by paragraph (1)) may be waived by a State until July 1, 2010, for each secondary school in the State that has been awarded funding under section 18(f) of that Act (42 U.S.C. 1769(f)) for the school year beginning July 1, 2008.

(B) SCHOOL YEAR BEGINNING JULY 1, 2008.—To facilitate transition from the program authorized under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act) to the program established under section 19 of that Act (as amended by paragraph (1))—

(i) for the school year beginning July 1, 2008, the Secretary may permit any school selected for participation under section 18(f) of that Act (42 U.S.C. 1769(f)) for that school year to continue to participate under section 19 of that Act until the end of that school year; and

(ii) funds made available under that Act for fiscal year 2009 may be used to support the participation of any schools selected to participate in the program authorized under section 18(f) of that Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act).

(b) CONFORMING AMENDMENTS.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

#### **SEC. 4305. WHOLE GRAIN PRODUCTS.**

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of whole grain products available to schoolchildren, as recommended by the 2005 Dietary Guidelines for Americans.

(b) DEFINITION OF ELIGIBLE WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In this section, the terms “whole grains” and “whole grain products” have the meaning given the terms by the Food and Nutrition Service in the HealthierUS School Challenge.

(c) PURCHASE OF WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase whole grains and whole grain products for use in—

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

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

(d) EVALUATION.—Not later than September 30, 2011, the Secretary shall conduct an evaluation of the activities conducted under subsection (c) that includes—

(1) an evaluation of whether children participating in the school lunch and breakfast programs increased their consumption of whole grains;

(2) an evaluation of which whole grains and whole grain products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of whole grain products in the school lunch and breakfast programs; and

(4) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representative a report describing the results of the evaluation.

**SEC. 4306. BUY AMERICAN REQUIREMENTS.**

(a) FINDINGS.—The Congress finds the following:

(1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin.

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers.

(3) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) requires the use of domestic food products for all meals served under the program, including food products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—The Department of Agriculture should undertake training, guidance, and enforcement of the various current Buy American statutory requirements and regulations, including those of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

**SEC. 4307. SURVEY OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.**

(a) IN GENERAL.—For fiscal year 2009, the Secretary shall carry out a nationally representative survey of the foods purchased during the most recent school year for which data is available by school authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(b) REPORT.—

(1) IN GENERAL.—On completion of the survey, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the survey.

(2) INTERIM REQUIREMENT.—If the initial report required under paragraph (1) is not submitted to the Committees referred to in that paragraph by June 30, 2009, the Secretary shall submit to the Committees an interim report that describes the relevant survey data, or a sample of such data, available to the Secretary as of that date.

(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section not more than \$3,000,000.

## Subtitle D—Miscellaneous

### SEC. 4401. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

Section 4404 of the Farm Security and Rural Investment Act of 2002 (2 U.S.C. 1161) is amended to read as follows:

### “SEC. 4404. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

“(a) SHORT TITLE.—This section may be cited as the ‘Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows Program Act of 2008’.

“(b) DEFINITIONS.—In this subsection:

“(1) DIRECTOR.—The term ‘Director’ means the head of the Congressional Hunger Center.

“(2) FELLOW.—The term ‘fellow’ means—

“(A) a Bill Emerson Hunger Fellow; or

“(B) Mickey Leland Hunger Fellow.

“(3) FELLOWSHIP PROGRAMS.—The term ‘Fellowship Programs’ means the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program established under subsection (c)(1).

“(c) FELLOWSHIP PROGRAMS.—

“(1) IN GENERAL.—There is established the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program.

“(2) PURPOSES.—

“(A) IN GENERAL.—The purposes of the Fellowship Programs are—

“(i) to encourage future leaders of the United States—

“(I) to pursue careers in humanitarian and public service;

“(II) to recognize the needs of low-income people and hungry people;

“(III) to provide assistance to people in need; and

“(IV) to seek public policy solutions to the challenges of hunger and poverty;

“(ii) to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities; and

“(iii) to increase awareness of the importance of public service.

“(B) BILL EMERSON HUNGER FELLOWSHIP PROGRAM.—

The purpose of the Bill Emerson Hunger Fellowship Program is to address hunger and poverty in the United States.

“(C) MICKEY LELAND HUNGER FELLOWSHIP PROGRAM.—

The purpose of the Mickey Leland Hunger Fellowship Program is to address international hunger and other humanitarian needs.

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall offer to provide a grant to the Congressional Hunger Center to administer the Fellowship Programs.

“(B) TERMS OF GRANT.—The terms of the grant provided under subparagraph (A), including the length of the grant and provisions for the alteration or termination of the grant, shall be determined by the Secretary in accordance with this section.

“(d) FELLOWSHIPS.—

“(1) IN GENERAL.—The Director shall make available Bill Emerson Hunger Fellowships and Mickey Leland Hunger Fellowships in accordance with this subsection.

“(2) CURRICULUM.—

“(A) IN GENERAL.—The Fellowship Programs shall provide experience and training to develop the skills necessary to train fellows to carry out the purposes described in subsection (c)(2), including—

“(i) training in direct service programs for the hungry and other anti-hunger programs in conjunction with community-based organizations through a program of field placement; and

“(ii) providing experience in policy development through placement in a governmental entity or non-governmental, nonprofit, or private sector organization.

“(B) WORK PLAN.—To carry out subparagraph (A) and assist in the evaluation of the fellowships under paragraph (6), the Director shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities relating to those objectives.

“(3) PERIOD OF FELLOWSHIP.—

“(A) BILL EMERSON HUNGER FELLOW.—A Bill Emerson Hunger Fellowship awarded under this section shall be for not more than 15 months.

“(B) MICKEY LELAND HUNGER FELLOW.—A Mickey Leland Hunger Fellowship awarded under this section shall be for not more than 2 years.

“(4) SELECTION OF FELLOWS.—

“(A) IN GENERAL.—Fellowships shall be awarded pursuant to a nationwide competition established by the Director.

“(B) QUALIFICATIONS.—A successful program applicant shall be an individual who has demonstrated—

“(i) an intent to pursue a career in humanitarian services and outstanding potential for such a career;

“(ii) leadership potential or actual leadership experience;

“(iii) diverse life experience;

“(iv) proficient writing and speaking skills;

“(v) an ability to live in poor or diverse communities; and

“(vi) such other attributes as are considered to be appropriate by the Director.

“(5) AMOUNT OF AWARD.—

“(A) IN GENERAL.—A fellow shall receive—

“(i) a living allowance during the term of the Fellowship; and

“(ii) subject to subparagraph (B), an end-of-service award.

“(B) REQUIREMENT FOR SUCCESSFUL COMPLETION OF FELLOWSHIP.—Each fellow shall be entitled to receive an

end-of-service award at an appropriate rate for each month of satisfactory service completed, as determined by the Director.

“(C) TERMS OF FELLOWSHIP.—A fellow shall not be considered an employee of—

“(i) the Department of Agriculture;

“(ii) the Congressional Hunger Center; or

“(iii) a host agency in the field or policy placement of the fellow.

“(D) RECOGNITION OF FELLOWSHIP AWARD.—

“(i) EMERSON FELLOW.—An individual awarded a fellowship from the Bill Emerson Hunger Fellowship shall be known as an ‘Emerson Fellow’.

“(ii) LELAND FELLOW.—An individual awarded a fellowship from the Mickey Leland Hunger Fellowship shall be known as a ‘Leland Fellow’.

“(6) EVALUATIONS AND AUDITS.—Under terms stipulated in the contract entered into under subsection (c)(3), the Director shall—

“(A) conduct periodic evaluations of the Fellowship Programs; and

“(B) arrange for annual independent financial audits of expenditures under the Fellowship Programs.

“(e) AUTHORITY.—

“(1) IN GENERAL.—Subject to paragraph (2), in carrying out this section, the Director may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of facilitating the work of the Fellowship Programs.

“(2) LIMITATION.—Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be used exclusively for the purposes of the Fellowship Programs.

“(f) REPORT.—The Director shall annually submit to the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

“(1) describes the activities and expenditures of the Fellowship Programs during the preceding fiscal year, including expenditures made from funds made available under subsection (g); and

“(2) includes the results of evaluations and audits required by subsection (d).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.”.

#### SEC. 4402. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

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

(1) by striking subsection (a) and inserting the following:

“(a) DEFINITIONS.—In this section:

“(1) COMMUNITY FOOD PROJECT.—In this section, the term ‘community food project’ means a community-based project that—

“(A) requires a 1-time contribution of Federal assistance to become self-sustaining; and

“(B) is designed—

“(i)(I) to meet the food needs of low-income individuals;

“(II) to increase the self-reliance of communities in providing for the food needs of the communities; and

“(III) to promote comprehensive responses to local food, farm, and nutrition issues; or

“(ii) to meet specific State, local, or neighborhood food and agricultural needs, including needs relating to—

“(I) infrastructure improvement and development;

“(II) planning for long-term solutions; or

“(III) the creation of innovative marketing activities that mutually benefit agricultural producers and low-income consumers.

“(2) CENTER.—The term ‘Center’ means the healthy urban food enterprise development center established under subsection (h).

“(3) UNDERSERVED COMMUNITY.—The term ‘underserved community’ means a community (including an urban or rural community or an Indian tribe) that, as determined by the Secretary, has—

“(A) limited access to affordable, healthy foods, including fresh fruits and vegetables;

“(B) a high incidence of a diet-related disease (including obesity) as compared to the national average;

“(C) a high rate of hunger or food insecurity; or

“(D) severe or persistent poverty.”;

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

“(h) HEALTHY URBAN FOOD ENTERPRISE DEVELOPMENT CENTER.—

“(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

“(A) a nonprofit organization;

“(B) a cooperative;

“(C) a commercial entity;

“(D) an agricultural producer;

“(E) an academic institution;

“(F) an individual; and

“(G) such other entities as the Secretary may designate.

“(2) ESTABLISHMENT.—The Secretary shall offer to provide a grant to a nonprofit organization to establish and support a healthy urban food enterprise development center to carry out the purpose described in paragraph (3).

“(3) PURPOSE.—The purpose of the Center is to increase access to healthy affordable foods, including locally produced agricultural products, to underserved communities.

“(4) ACTIVITIES.—

“(A) TECHNICAL ASSISTANCE AND INFORMATION.—The Center shall collect, develop, and provide technical assistance and information to small and medium-sized agricultural producers, food wholesalers and retailers, schools, and other individuals and entities regarding best practices and the availability of assistance for aggregating, storing,

processing, and marketing locally produced agricultural products and increasing the availability of such products in underserved communities.

“(B) AUTHORITY TO SUBGRANT.—The Center may provide subgrants to eligible entities—

“(i) to carry out feasibility studies to establish businesses for the purpose described in paragraph (3); and

“(ii) to establish and otherwise assist enterprises that process, distribute, aggregate, store, and market healthy affordable foods.

“(5) PRIORITY.—In providing technical assistance and grants under paragraph (4), the Center shall give priority to applications that include projects—

“(A) to benefit underserved communities; and

“(B) to develop market opportunities for small and mid-sized farm and ranch operations.

“(6) REPORT.—For each fiscal year for which the nonprofit organization described in paragraph (2) receives funds, the organization shall submit to the Secretary a report describing the activities carried out in the preceding fiscal year, including—

“(A) a description of technical assistance provided by the Center;

“(B) the total number and a description of the subgrants provided under paragraph (4)(B);

“(C) a complete listing of cases in which the activities of the Center have resulted in increased access to healthy, affordable foods, such as fresh fruit and vegetables, particularly for school-aged children and individuals in low-income communities; and

“(D) a determination of whether the activities identified in subparagraph (C) are sustained during the years following the initial provision of technical assistance and subgrants under this section.

“(7) COMPETITIVE AWARD PROCESS.—The Secretary shall use a competitive process to award funds to establish the Center.

“(8) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the total amount allocated for this subsection in a given fiscal year may be used for administrative expenses.

“(9) FUNDING.—

“(A) IN GENERAL.—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 \$1,000,000 for each of fiscal years 2009 through 2011.

“(B) ADDITIONAL FUNDING.—There is authorized to be appropriated \$2,000,000 to carry out this subsection for fiscal year 2012.”.

**SEC. 4403. JOINT NUTRITION MONITORING AND RELATED RESEARCH ACTIVITIES.**

The Secretary and the Secretary of Health and Human Services shall continue to provide jointly for national nutrition monitoring and related research activities carried out as of the date of enactment of this Act—

(1) to collect continuous dietary, health, physical activity, and diet and health knowledge data on a nationally representative sample;

(2) to periodically collect data on special at-risk populations, as identified by the Secretaries;

(3) to distribute information on health, nutrition, the environment, and physical activity to the public in a timely fashion;

(4) to analyze new data that becomes available;

(5) to continuously update food composition tables; and

(6) to research and develop data collection methods and standards.

**SEC. 4404. SECTION 32 FUNDS FOR PURCHASE OF FRUITS, VEGETABLES, AND NUTS TO SUPPORT DOMESTIC NUTRITION ASSISTANCE PROGRAMS.**

(a) **FUNDING FOR ADDITIONAL PURCHASES OF FRUITS, VEGETABLES, AND NUTS.**—In addition to the purchases of fruits, vegetables, and nuts required by section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4), the Secretary of Agriculture shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs, using, of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the following amounts:

(1) \$190,000,000 for fiscal year 2008.

(2) \$193,000,000 for fiscal year 2009.

(3) \$199,000,000 for fiscal year 2010.

(4) \$203,000,000 for fiscal year 2011.

(5) \$206,000,000 for fiscal year 2012 and each fiscal year thereafter.

(b) **FORM OF PURCHASES.**—Fruits, vegetables, and nuts may be purchased under this section in the form of frozen, canned, dried, or fresh fruits, vegetables, and nuts.

(c) **PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.**—Section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4) is amended by striking subsection (b) and inserting the following:

“(b) **PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.**—The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) using, of the amount specified in subsection (a), not less than \$50,000,000 for each of fiscal years 2008 through 2012.”.

**SEC. 4405. HUNGER-FREE COMMUNITIES.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means a public food program service provider or nonprofit organization, including an emergency feeding organization, that has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(2) **EMERGENCY FEEDING ORGANIZATION.**—The term “emergency feeding organization” has the meaning given the term

in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) HUNGER-FREE COMMUNITIES GOAL.—The term “hunger-free communities goal” means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(b) HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.—

(1) PROGRAM.—

(A) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available under subsection (e) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (2).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(C) NON-FEDERAL SHARE.—

(i) CALCULATION.—The non-Federal share of the cost of an activity under this subsection may be provided in cash or fairly evaluated in-kind contributions, including facilities, equipment, or services.

(ii) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this subsection through a State government, a local government, or a private source.

(2) USE OF FUNDS.—An eligible entity in a community shall use a grant received under this subsection for any fiscal year for hunger relief activities, including—

(A) meeting the immediate needs of people who experience hunger in the community served by the eligible entity by—

(i) distributing food;

(ii) providing community outreach to assist in participation in federally assisted nutrition programs, including—

(I) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

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

(III) the summer food service program for children established under section 13 of that Act; and

(IV) other Federal programs that provide food for children in child care facilities and homeless and older individuals; or

(iii) improving access to food as part of a comprehensive service; and

(B) developing new resources and strategies to help reduce hunger in the community and prevent hunger in the future by—

(i) developing creative food resources, such as community gardens, buying clubs, food cooperatives, community-owned and operated grocery stores, and farmers' markets;

(ii) coordinating food services with park and recreation programs and other community-based outlets to reduce barriers to access; or

(iii) creating nutrition education programs for at-risk populations to enhance food-purchasing and food-preparation skills and to heighten awareness of the connection between diet and health.

(c) HUNGER-FREE COMMUNITIES INFRASTRUCTURE GRANTS.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available for a fiscal year under subsection (e) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (2).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(2) APPLICATION.—

(A) IN GENERAL.—To receive a grant under this subsection, an eligible entity shall submit an application at such time, in such form, and containing such information as the Secretary may prescribe.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) identify any activity described in paragraph (3) that the grant will be used to fund; and

(ii) describe the means by which an activity identified under clause (i) will reduce hunger in the community of the eligible entity.

(C) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities that demonstrate 2 or more of the following:

(i) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(ii) The eligible entity serves a community that has successfully carried out long-term efforts to reduce hunger in the community.

(iii) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(iv) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(3) USE OF FUNDS.—An eligible entity shall use a grant received under this subsection to construct, expand, or repair a facility or equipment to support hunger relief efforts in the community.

(d) REPORT.—If funds are made available under subsection (e) to carry out this section, not later than September 30, 2012, the Secretary shall submit to Congress a report that describes—

(1) each grant made under this section, including—

(A) a description of any activity funded; and

(B) the degree of success of each activity funded in achieving hunger free-communities goals; and

(2) the degree of success of all activities funded under this section in achieving domestic hunger goals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

**SEC. 4406. REAUTHORIZATION OF FEDERAL FOOD ASSISTANCE PROGRAMS.**

(a) **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—**

(1) **AUTHORIZATION OF APPROPRIATIONS.—**Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking “for each of the fiscal years 2003 through 2007” and inserting “for each of fiscal years 2008 through 2012”.

(2) **GRANTS FOR SIMPLE APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS AND IMPROVED ACCESS TO BENEFITS.—**Section 11(t)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(t)(1)) is amended by striking “For each of fiscal years 2003 through 2007” and inserting “Subject to the availability of appropriations under section 18(a), for each fiscal year”.

(3) **FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—**Section 16(h)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)) is amended—

(A) in subparagraph (A), by striking “the amount of—” and all that follows through the end of the subparagraph and inserting “, \$90,000,000 for each fiscal year.”; and

(B) in subparagraph (E)(i), by striking “for each of fiscal years 2002 through 2007” and inserting “for each fiscal year”.

(4) **REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—**Section 16(k)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(k)(3)) is amended—

(A) in the first sentence of subparagraph (A), by striking “effective for each of fiscal years 1999 through 2007.”; and

(B) in subparagraph (B)(ii), by striking “through fiscal year 2007”.

(5) **CASH PAYMENT PILOT PROJECTS.—**Section 17(b)(1)(B)(vi) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(vi)) is amended—

(A) by striking “Any pilot” and inserting “Subject to the availability of appropriations under section 18(a), any pilot”; and

(B) by striking “through October 1, 2007.”.

(6) **CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.—**Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking “for each of fiscal years 2004 through 2007” and inserting “subject to the availability of appropriations under section 18(a), for each fiscal year thereafter”.

(7) **ASSISTANCE FOR COMMUNITY FOOD PROJECTS.—**Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(A) in subsection (b)(2)(B), by striking “for each of fiscal years 1997 through 2007” and inserting “for fiscal year 2008 and each fiscal year thereafter”; and

(B) in subsection (i)(4) (as redesignated by section 4402), by striking “of fiscal years 2003 through 2007” and inserting “fiscal year thereafter”.

(b) **COMMODITY DISTRIBUTION.—**

(1) **EMERGENCY FOOD ASSISTANCE.—**Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence by striking “for each of the

fiscal years 2003 through 2007” and inserting “for fiscal year 2008 and each fiscal year thereafter”.

(2) COMMODITY DISTRIBUTION PROGRAM.—Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended in the first sentence by striking “years 1991 through 2007” and inserting “years 2008 through 2012”.

(3) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “each of fiscal years 2003 through 2007” and inserting “each of fiscal years 2008 through 2012”; and

(ii) in paragraph (2)(B), by striking the subparagraph designation and heading and all that follows through “2007” and inserting the following:

“(B) SUBSEQUENT FISCAL YEARS.—For each of fiscal years 2004 through 2012”; and

(B) in subsection (d)(2), by striking “each of the fiscal years 1991 through 2007” and inserting “each of fiscal years 2008 through 2012”.

(4) DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.—Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended in the first sentence by striking “Effective through September 30, 2007” and inserting “For each of fiscal years 2008 through 2012”.

(c) FARM SECURITY AND RURAL INVESTMENT.—

(1) SENIORS FARMERS’ MARKET NUTRITION PROGRAM.—Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended by striking subsection (a) and inserting the following:

“(a) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out and expand the seniors farmers’ market nutrition program \$20,600,000 for each of fiscal years 2008 through 2012.”

(2) NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.—Section 4403(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3171 note; Public Law 107–171) is amended by striking “2007” and inserting “2012”.

**SEC. 4407. EFFECTIVE AND IMPLEMENTATION DATES.**

Except as otherwise provided in this title, this title and the amendments made by this title take effect on October 1, 2008.

## **TITLE V—CREDIT**

### **Subtitle A—Farm Ownership Loans**

**SEC. 5001. DIRECT LOANS.**

Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended—

(1) by striking the section designation and heading and all that follows through “(a) The Secretary is authorized to” and inserting the following: