

111TH CONGRESS  
1ST SESSION

# H. R. 3626

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2009

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

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

7 (2) in subsection (h)(4)—

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

11 “(4) REQUIREMENTS.—

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

13 “(i) in consultation”;

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

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

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

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

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

7                       “(I) each State agency; and

8                       “(II) each local agency;

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

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

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

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

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

8                   “(i) performance measurements of  
9                   breastfeeding;

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

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

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

21                   “(C) PERFORMANCE BONUSES.—

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

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

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

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

11 “(ii) CONSIDERATION.—In providing  
12 performance bonus payments to State  
13 agencies under this subparagraph, the Sec-  
14 retary shall consider a State agency’s pro-  
15 portion of participating fully breastfed in-  
16 fants.

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

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

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

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

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

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

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