

NUTRITION PROGRAMS

Subtitle A-Food Stamp Program

- Sec.4001.Renaming of food stamp program.
- Sec.4002.Establishment of food and nutrition program.
- Sec.4003.Eligible households.
- Sec.4004.Eligibility disqualifications.
- Sec.4005.Issuance and use of program benefits.
- Sec.4006.Nutrition education.
- Sec.4007.Grants for simple application and eligibility determination systems and improved access to benefits.
- Sec.4008.Civil money penalties and disqualification of retail food stores and wholesale food concerns.
- Sec.4009.Collection and disposition of claims.
- Sec.4010.Quality control system.
- Sec.4011.Employment and training program.
- Sec.4012.Reductions in payments for administrative costs.
- Sec.4013.Research, demonstration, and evaluations.
- Sec.4014.Authorization of appropriations.
- Sec.4015.Consolidated block grants for Puerto Rico and American Samoa.
- Sec.4016.Benefits for community food projects.
- Sec.4017.Conforming amendments to renaming of food stamp program.

Subtitle B-Commodity Distribution

- Sec.4021.Commodity distribution programs.
- Sec.4022.Distribution of surplus commodities to special nutrition projects.
- Sec.4023.Emergency food assistance.

Subtitle C-Miscellaneous

- Sec.4031.Seniors farmers' market nutrition program.
- Sec.4032.Purchase of fruits and vegetables for school nutrition programs.
- Sec.4033.Survey of foods purchased by school food authorities.

NUTRITION PROGRAMS

Subtitle A-Food Stamp Program

- 1 **SEC. 4001. RENAMING OF FOOD STAMP PROGRAM.**
- 2 (a) SHORT TITLE.-The first section of the Food Stamp Act of 1977 (7 U.S.C. 2011 note;
- 3 Public Law 88-525) is amended by striking "Food Stamp Act of 1977" and inserting
- 4 "Food and Nutrition Act of 2007".

1 (b) PROGRAM.-The Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.) (as amended
2 by subsection (a)) is amended by striking “food stamp program” each place it appears and
3 inserting “food and nutrition program”.

4 **SEC. 4002. ESTABLISHMENT OF THE FOOD AND NUTRITION PROGRAM.**

5 (a) NUTRITION EDUCATION.-Section 4(a) of the Food and Nutrition Act of 2007 (7
6 U.S.C. 2013(a)) is amended in the first sentence by inserting “and through an approved
7 State plan, nutrition education” after “an allotment”.

8 (b) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.-Section 4 of the Food and
9 Nutrition Act of 2007 (7 U.S.C. 2013) is amended by striking subsection (b) and inserting
10 the following:

11 “(b) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.-

12 “(1) DEFINITION.-Approved Service Area.-The term ‘approved service area’ means
13 non-reservation areas, that, with the approval of the Secretary, are serviced by a State
14 agency or tribal organization that administers the program under this subsection for the
15 purpose of providing nutrition benefits to Native Americans.

16 “(2) IN GENERAL.-On request of a tribal organization, the Secretary shall make
17 commodities available for distribution on Indian reservations and approved service areas
18 pursuant to the provisions of this Act.

19 “(3) DISTRIBUTION.-

20 “(A) IN GENERAL.-Except as provided in subparagraph (B), the Secretary shall
21 provide to an appropriate State agency commodities for distribution, pursuant to an
22 approved plan of the State agency, to each Indian reservation and approved service
23 area.

1 “(B) EXCEPTION.-If the Secretary determines that a tribal organization can
2 effectively and efficiently administer the distribution of commodities on an Indian
3 reservation, the tribal organization shall be considered a State agency for purposes of
4 the distribution of commodities, and the Secretary shall provide to the tribal
5 organization commodities for distribution, pursuant to an approved plan of the tribal
6 organization, to households on the Indian reservation and approved service areas.

7 “(3) ELIGIBILITY.-

8 “(A) IN GENERAL.-No household shall be eligible to participate simultaneously in-

9 “(i) the food and nutrition program under this Act; and

10 “(ii) the food distribution program on Indian reservations under this subsection.

11 “(B) APPROVAL OF PLANS.-The Secretary shall not approve a plan for distribution
12 of a State agency or tribal organization under paragraph (2) if the plan provides for
13 simultaneous participation by any household in-

14 “(i) the food and nutrition program under this Act; and

15 “(ii) the food distribution program on Indian reservations under this subsection.

16 “(C) DISQUALIFIED PARTICIPANTS.-The Secretary shall ensure that an individual
17 who is disqualified from participation in the food distribution program on Indian
18 reservations under this subsection is not eligible to participate in the food and
19 nutrition program under this Act, and that an individual who is disqualified from
20 participation in the food and nutrition program under this Act is not eligible to
21 participate in the food distribution program under this subsection.

22 “(4) ADMINISTRATIVE EXPENSES.-

1 “(A) COST REIMBURSEMENT.-The Secretary is authorized to pay such amounts for
2 administrative costs of the distribution of commodities on Indian reservations and
3 approved service areas as the Secretary finds necessary for the effective
4 administration of the distribution by a State agency or tribal organization.

5 “(B) AUTHORIZATION.-

6 “(i) IN GENERAL.-For fiscal year 2008, the Secretary shall make available for
7 administrative expenses incurred in carrying out the food distribution program on
8 Indian reservations under this subsection \$31,900,000 from funds made available
9 to carry out the Food and Nutrition Act of 2007.

10 “(ii) ADJUSTMENT.-For fiscal year 2009 and subsequent fiscal years, such funds
11 shall be adjusted in accordance with subparagraph (C).

12 “(C) ADJUSTMENT.-The annual adjustment of funds under subparagraph (B)(ii) for
13 any fiscal year, shall reflect the percentage change between –

14 “(i) the value of the index for State and local government purchases, as
15 published by the Bureau of Economic Analysis of the Department of Commerce,
16 for the 12-month period ending June 30 of the second preceding fiscal year; and

17 “(ii) the best estimate that is available as of the start of the fiscal year of the
18 value of such index for the 12 month period ending June 30 of the previous fiscal
19 year.”

20 “(D) ALLOCATION.-The Secretary shall allocate funds made available for
21 administrative expenses incurred in carrying out the food distribution program on
22 Indian reservations under this subsection among tribal organizations and State
23 agencies participating in the program-

1 “(i) based on the number of households served by the tribal organizations and
2 State agencies under the program, and any other criteria the Secretary may
3 determine appropriate; and

4 “(ii) in fiscal year 2008 at levels that are not less than the level of
5 administrative expenses the tribal organization or State agency received in fiscal
6 year 2007.

7 **SEC. 4003. ELIGIBLE HOUSEHOLDS.**

8 (a) IN GENERAL.-Section 5 of the Food and Nutrition Act of 2007 (7 U.S.C. 2014) is
9 amended-

10 (1) by striking the section designation and heading and all that follows through “(a)
11 Participation” and inserting the following:

12 **“SEC. 5. ELIGIBLE HOUSEHOLDS.**

13 “(a) REQUIREMENTS.-

14 “(1) IN GENERAL.-Participation”; and

15 (2) in subsection (a)-

16 (A) by striking the second sentence and inserting the following:

17 “(2) RECIPIENTS OF OTHER FEDERAL BENEFITS.-Except as provided in section 3(i)(4)
18 and subsections (b), (d)(2), and (g) of section 6, notwithstanding any other provision of
19 this Act, a household shall be eligible to participate in the food and nutrition program if
20 each member of the household receives-

1 “(A) cash benefits in the form of ongoing basic needs benefit payments for
2 financially needy families under a State program funded under part A of title IV of
3 the Social Security Act (42 U.S.C. 601 et seq.);

4 “(B) cash benefits in the form of supplemental security income from a program
5 established under title XVI of that Act (42 U.S.C. 1381 et seq.); or

6 “(C) aid to the aged, blind, or disabled under title I, X, XIV, or XVI of the Social
7 Security Act (42 U.S.C. 301 et seq.);” and

8 (B) in the third sentence, by striking “Except for sections 6, 16(e)(1), and section
9 3(i)(4), households” and inserting the following:

10 “(3) RECIPIENTS OF STATE AND LOCAL BENEFITS.—Except as provided in sections
11 3(i)(4), 6, and 16(e)(1), a household”; and

12 (C) in the fourth sentence, by striking “Assistance” and inserting the following:

13 “(4) APPLICATIONS.-Assistance”.

14 (b) EXCLUSION OF COMBAT-RELATED MILITARY PAY FROM COUNTABLE INCOME.—
15 Section 5(d) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(g)) is amended by
16 adding at the end the following:

17 “(19) any additional payment received under chapter 5 of title 37, United States
18 Code, by a member of the United States Armed Forces deployed to a designated combat
19 zone for the duration of the member’s deployment if the additional pay is the result of
20 deployment to, or while serving in a combat zone, and the additional pay was not received
21 immediately prior to serving in the combat zone.”.

1 (c) DEPENDENT CARE DEDUCTION.-Section 5(e)(3)(A) of the Food and Nutrition Act of
2 2007 (7 U.S.C. 2014(e)(3)(A)) is amended by striking “, the maximum allowable” and all
3 that follows through “other dependent,”.

4 (d) EXCLUSION OF RETIREMENT ACCOUNTS FROM COUNTABLE FINANCIAL RESOURCES.-

5 (1) IN GENERAL.-Section 5(g)(2)(B)(v) of the Food and Nutrition Act of 2007 (7
6 U.S.C. 2014(g)(2)(B)(v)) is amended by striking “or retirement account (including an
7 individual account)” and inserting “account”.

8 (2) MANDATORY AND DISCRETIONARY EXCLUSIONS.—Section 5(g) of the Food and
9 Nutrition Act of 2007 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

10 “(7) EXCLUSION OF RETIREMENT ACCOUNTS FROM COUNTABLE FINANCIAL
11 RESOURCES.-

12 “(A) MANDATORY EXCLUSIONS.-The Secretary shall exclude from financial
13 resources under this subsection the value of any funds in a plan, contract, or account,
14 described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of
15 the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings
16 Plan account as provided in section 8439 of title 5, United States Code.

17 “(B) DISCRETIONARY EXCLUSIONS.-The Secretary may exclude from financial
18 resources under this subsection the value of any other retirement plans, contracts, or
19 accounts that have been determined to be tax qualified retirement plans, contracts, or
20 accounts under the Internal Revenue Code of 1986.”.

21 (e) EXCLUSION OF EDUCATION ACCOUNTS FROM COUNTABLE FINANCIAL RESOURCES.-

22 Section 5(g) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(g)) (as amended by
23 subsection (d)) is amended by adding at the end the following:

1 “(8) EXCLUSION OF EDUCATION ACCOUNTS FROM COUNTABLE FINANCIAL RESOURCES.-

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

6 “(B) DISCRETIONARY EXCLUSIONS.-The Secretary may also exclude from financial
7 resources under this subsection the value of any program or account included in any
8 successor or similar provision that may be enacted and determined to be exempt from
9 tax under the Internal Revenue Code of 1986.”.

10 **SEC. 4004. ELIGIBILITY DISQUALIFICATIONS.**

11 (a) DISQUALIFICATION FOR SALE OF FOOD PURCHASED WITH FOOD AND NUTRITION
12 BENEFITS.-Section 6 of the Food and Nutrition Act of 2007 (7 U.S.C. 2015) is amended by
13 adding at the end the following:

14 “(p) DISQUALIFICATION FOR SALE OF FOOD PURCHASED WITH FOOD AND NUTRITION
15 BENEFITS.-Any person who has been found by a State or Federal court or administrative
16 agency to have intentionally sold any food which has been purchased using food and
17 nutrition benefits provided under this Act shall be ineligible for benefits under this Act for
18 such period of time as the Secretary shall prescribe by regulation.”.

19 (b) DISQUALIFIED PARTICIPANTS.- Section 6 of the Food and Nutrition Act of 2007 (7
20 U.S.C.2015) (as amended by (a) of this subsection) is amended by adding at the end the
21 following:

1 “(q) No individual shall be eligible to participate in the food and nutrition program
2 under this Act who is disqualified from participating in the food distribution program on
3 Indian reservations in accordance with section (4)(b)(3)(C) of this Act.”.

4 **SEC. 4005. ISSUANCE AND USE OF PROGRAM BENEFITS.**

5 (a) IN GENERAL.-Section 7 of the Food and Nutrition Act of 2007 (7 U.S.C. 2016) is
6 amended—

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

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

10 “(a) In General.-Except as provided in subsection (j), EBT cards shall be”;

11 (2) in subsection (b)-

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

13 “(b) Use.-Benefits”; and

14 (B) by striking the second proviso in its entirety;

15 (3) in subsection (c)-

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

17 “(c) Design.-

18 “(1) IN GENERAL.-EBT cards”;

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

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

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

3 (4) by striking subsection (d);

4 (5) in subsection (e)-

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

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

8 (6) in subsection (f)-

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

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

11 (C) by striking “section 11(e)(20)” and everything that follows and inserting
12 “section 11(e)(19).”;

13 (7) in subsection (g)-

14 (A) by striking paragraph (1);

15 (B) in paragraph (2), by striking “(2) The cost” and inserting the following:

16 “(2) COST.—The cost of documents or systems that may be required by subsection (i)
17 may not be imposed upon a retail food store participating in the food and nutrition
18 program.”; and

19 (C) by adding at the end the following:

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

1 “(A) COUPON ISSUANCE.-Effective on the date of enactment of *farm bill 2007*, no
2 State shall issue any coupon, stamp, certificate, or authorization card to a household
3 that receives food and nutrition benefits under this Act.

4 “(B) EBT CARDS.-Effective beginning one year from the date of enactment of *farm*
5 *bill 2007*, only an EBT card issued under subsection (i) shall be eligible for exchange
6 at any retail food store.

7 “(C) DE-OBLIGATION OF COUPONS.-Coupons not redeemed within one year from
8 the date of enactment of *farm bill 2007* will no longer be an obligation of the Federal
9 government and shall not be redeemable.”;

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

11 (9) in subsection (j)-

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

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

15 (10) in subsection (k)-

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

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

20 (b) Conforming Amendments.-

21 (1) Section 3 of the Food and Nutrition Act of 2007 (7 U.S.C. 2012) is amended—

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

2 (B) by amending subsection (b) to read as follows:

3 “(b) “Benefit” means the value of food and nutrition assistance provided to a household
4 by means of an electronic benefit transfer under section 7(i), or other means of providing
5 assistance, as determined by the Secretary.”;

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

8 (D) in subsection (d) by striking “or access device” and everything that follows
9 and inserting a period;

10 (E) in subsection (e)-

11 (i) by striking “coupon issuer” and inserting “benefit issuer”; and

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

13 (F) by adding at the end the following:

14 “(v) EBT Card.-The term ‘EBT card’ means an electronic benefit transfer card issued
15 under section 7(i).”;

16 (G) in subsection (i)(5)(D) by striking “coupons” and inserting “benefits”; and

17 (H) in subsection (t) by inserting “including point of sale devices,” after “other
18 means of access”.

19 (2) Section 4(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2013(a)) is
20 amended—

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

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

1 (3) Section 5(i)(2)(E) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(i)(2)(E))
2 is amended by striking “, as defined in section 3(i) of this Act,”.

3 (4) Section 6(b)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2015(b)(1)) is
4 amended-

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

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

8 (5) Section 7(j)(5) is amended by striking “coupon” and inserting “benefit”.

9 (6) Section 8 of the Food and Nutrition Act of 2007 (7 U.S.C. 2017) is amended in
10 subsection (b), by striking “, whether through coupons, access devices, or otherwise”.

11 (7) Section 9 of the Food and Nutrition Act of 2007 (7 U.S.C. 2018) is amended—

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

13 (B) in subsection (a)-

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

15 (ii) in paragraph (3), by striking “coupons, or to redeem,”.

16 (8) Section 10 of the Food and Nutrition Act of 2007 (7 U.S.C. 2019) is amended—

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

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

20 “Regulations”; and

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

1 (9) Section 11 of the Food and Nutrition Act of 2007 (7 U.S.C. 2020) is amended—

2 (A) in subsection (e)-

3 (i) in paragraph (15), by striking “when using its authorization card in order to
4 receive its coupons” and inserting “when receiving benefits”; and

5 (ii) in paragraph (19), by striking “that,” and all that follows through
6 “paragraph;” and inserting “that eligible households may be required to present
7 photographic identification cards in order to receive their benefits.”;

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

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

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

11 (10) Section 13 of the Food and Nutrition Act of 2007 (7 U.S.C. 2022) is amended
12 by striking “coupons” each place it appears and inserting “benefits”.

13 (11) Section 15 of the Food and Nutrition Act of 2007 (7 U.S.C. 2024) is amended-

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

15 (B) in subsection (b)(1)-

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

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

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

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

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

1 (E) in subsections (e) and (f), by striking “coupon” each place it appears and
2 inserting “benefit”; and

3 (F) in subsection (g) by striking “coupon, authorization cards or access devices”
4 and inserting “benefits”; and

5 (12) Section 16(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2025(a)) is
6 amended by striking “coupons” each place it appears and inserting “benefits”.

7 (13) Section 17 of the Food and Nutrition Act of 2007 (7 U.S.C. 2026) is amended—

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

9 (B) in subsection (b)(1)—

10 (i) in subparagraph (B)(v)—

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

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

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

14 and

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

16 (14) Section 21 of the Food and Nutrition Act of 2007 (7 U.S.C. 2030) is amended—

17 (A) in subsection (d)(3)—

18 (i) by striking “food coupons” and inserting “benefits”; and

19 (ii) by striking “food stamp benefits” and inserting “program benefits”.

20 (15) Section 22 of the Food and Nutrition Act of 2007 (7 U.S.C. 2031) is amended—

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

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

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

1 (c) Conforming Cross-References.-

2 (1) IN GENERAL.—

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

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

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

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

8 (iv) in each section heading, by striking “food coupons” each place it appears
9 and inserting “benefits”;

10 (v) by striking “food stamp coupon” and “food stamp coupons” each place they
11 appear and inserting “benefits”; and

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

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

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

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

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

18 (iv) Section 401(b)(3) of the Social Security Amendments of 1972 (42 U.S.C.
19 1382e note).

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

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

1 (2) DEFINITION REFERENCES.-Any reference in any Federal, State, tribal, or local law
2 (including regulations) to a “coupon”, “authorization card”, or other access device
3 provided under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.) shall be
4 considered to be a reference to “benefits” provided under that Act.

5 **SEC. 4006. NUTRITION EDUCATION**

6 Section 11(f) of the Food and Nutrition Act of 1977 (7 U.S.C. 2020(f)) is amended to read
7 as follows:

8 “(f) NUTRITION EDUCATION. –

9 “(1) IN GENERAL.-State agencies may implement a nutrition education program for
10 individuals eligible for food and nutrition benefits that promotes healthy food choices
11 consistent with current Dietary Guidelines.

12 “(2) DELIVERY OF NUTRITION EDUCATION.-State agencies may deliver nutrition
13 education directly to eligible persons or through agreements with the Cooperative State
14 Research, Education and Extension Service, including through the expanded food and
15 nutrition education under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and
16 other State and community health and nutrition providers and organizations.

17 “(3) NUTRITION EDUCATION STATE PLANS.-State agencies wishing to provide nutrition
18 education under this subsection shall submit a Nutrition Education State Plan to the
19 Food and Nutrition Service for approval. The plan shall identify the uses of the funding
20 for local projects and conform to standards set forth by the Secretary in regulations or
21 guidance. State costs for providing nutrition education under this subsection shall be
22 reimbursed pursuant to section 16(a) of this Act.

1 “(4) NOTIFICATION.- Whenever practicable, State agencies shall notify applicants,
2 participants, and eligible program participants of the availability of nutrition education
3 under this subsection.”.

4 **SEC. 4007. GRANTS FOR SIMPLE APPLICATION AND ELIGIBILITY**
5 **DETERMINATION SYSTEMS AND IMPROVED ACCESS TO BENEFITS.**

6 Section 11(t)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2020(t)(1)) is amended
7 by striking “2007” and inserting “2012”.

8 **SEC. 4008. CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL**
9 **FOOD STORES AND WHOLESALE FOOD CONCERNS.**

10 Section 12 of the Food and Nutrition Act of 2007 (7 U.S.C. 2021) is amended—

11 (a) by striking the section designation and heading and all that follows through “(a) Any
12 approved” and inserting the following:

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

15 “(a) Disqualification.-

16 “(1) IN GENERAL.-An approved”;

17 (b) in subsection (a)-

18 (1) in the first sentence by striking “\$10,000 for each violation” and everything
19 through the end of the sentence and inserting “\$100,000 for each violation.”;

20 (2) in the 2nd sentence-

21 (A) by striking “Regulations” and inserting the following:

1 “(2) REGULATIONS.-Regulations”; and

2 (B) by striking “violation and ” and inserting “violation of,”;

3 (C) by inserting a comma after “disqualification of”;

4 (D) by striking “a retail store” and inserting “and the assessment of a civil money
5 penalty against, a retail store”;

6 (3) in subsection (b)-

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

8 “(b) Period of Disqualification.-Subject to subsection (c), a disqualification”;

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

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

13 (D) in paragraph (3)-

14 (i) in subparagraph B)-

15 (I) by striking “coupons or trafficking in coupons or authorization cards”
16 each place it appears and inserting “program access devices or benefit
17 instruments or trafficking in program access devices or benefit instruments” ;
18 and

19 (II) by inserting “or a finding of the unauthorized redemption, use, transfer,
20 acquisition, alteration or possession of program benefits or access devices”
21 after “concern” the first time it appears; and

22 (ii) in subparagraph (C) by striking “; and” and inserting a period;

23 (E) in paragraph (4)-

1 (i) by striking the period at the end and inserting “; and”; and

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

3 (F) by redesignating subsection (c) through (g) as subsections (d) through (h),
4 respectively; and

5 (G) by adding a new subsection (c) that reads as follows:

6 “(c) In addition to a disqualification under subsection (b), the Secretary may assess a
7 civil monetary penalty of up to \$100,000.”;

8 (4) in subsection (d) (as redesignated in paragraph (3)(F)), by striking “(c) The
9 action” and inserting the following:

10 “(d) TREATMENT OF DISQUALIFICATION AND PENALTY DETERMINATIONS.—

11 “(1) REVIEW.—The action”;

12 (5) in subsection (e) (as redesignated in paragraph (3)(F)) by striking “coupons” in
13 each place and inserting “benefits”;

14 (6) in subsection (g) (as redesignated in paragraph (3)(F)) by striking “food coupons”
15 and inserting “benefits”; and

16 (7), by adding a new subsection (i) that reads:

17 “(i) The Secretary shall, in consultation with the Inspector General of the
18 Department of Agriculture, provide for procedures by which the processing of
19 program benefit redemptions for certain retailer food stores and wholesale food
20 concerns may be immediately suspended pending administrative action to disqualify
21 such a firm. Under the procedures prescribed pursuant to this subsection, if the
22 Secretary, in consultation with the Inspector General, determines that a retail food

1 store or wholesale food concern is engaged in flagrant violations of this Act or the
2 regulations issued pursuant to this Act, unsettled program benefits that have been
3 redeemed by the retail food store or wholesale food concern may be suspended and,
4 if the program disqualification is upheld, subject to forfeiture pursuant to section
5 12(g). Should the disqualification action not be upheld, program funds being held by
6 the Secretary shall be released to the retailer. The Secretary shall not be liable for the
7 value of any interest on funds suspended under this subsection.”.

8 **SEC. 4009. COLLECTION AND DISPOSITION OF CLAIMS.**

9 Section 13(b)(4) of the Food and Nutrition Act of 2007 (7 U.S.C. 2022(b)(4)) is
10 amended-

11 (1) by striking “A State agency” and inserting the following:

12 “(A) IN GENERAL.-Except as provided in subparagraph (B), a State agency”; and

13 (2) by adding at the end the following:

14 “(B) OVER ISSUANCES CAUSED BY SYSTEMIC STATE ERRORS.-

15 “(i) IN GENERAL.-If the Secretary determines that a State agency over issued
16 benefits to a substantial number of households in a fiscal year as result of a
17 systemic error by the State agency, the Secretary may prohibit the State agency
18 from collecting these over issuances from households.

19 “(ii) INFORMATION REPORTING BY STATES.-Every State agency shall provide to
20 the Secretary all information requested by the Secretary concerning the issuance of
21 benefits to households by the State agency in the applicable fiscal year.

1 “(iii) FINAL DETERMINATION.-After reviewing relevant information provided by
2 a State agency, the Secretary shall make a final determination-

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

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

7 “(iv) ESTABLISHING A CLAIM.-Upon determining under clause (iii) that a State
8 agency has systematically over issued benefits to households as described under
9 clause (i), the Secretary shall establish a claim against the State agency equal to the
10 value of the over issuance caused by the systemic error;

11 “(v) ADMINISTRATIVE AND JUDICIAL REVIEW.-Administrative and judicial
12 review, as provided in section 14, shall apply to the final determinations by the
13 Secretary under subclauses (I) and (II) of clause (iii).

14 “(vi) REMISSION TO THE SECRETARY.-

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

19 “(II) DETERMINATION APPEALED.-If the determination of the Secretary
20 under clause (iii) is appealed, upon completion of administrative and judicial
21 review under clause (v), and a finding of liability on the part of the State, the
22 appealing State agency shall, as soon as practicable, remit to the Secretary a
23 dollar amount subject to the findings of the administrative and judicial review.

1 “(vii) ALTERNATIVE METHOD OF COLLECTION.-

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

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

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

11 **SEC. 4010. QUALITY CONTROL SYSTEM.**

12 Section 16(c) of the Food and Nutrition Act of 2007 (7 U.S.C. 2025(c)) is amended—

13 (a) in paragraph (1)-

14 (1) in subparagraph (D)(i)(II), by inserting “except as provided in clause (iii) of this
15 subparagraph” before “require”;

16 (2) by adding at the end of subparagraph (D) the following:

17 “(iii) STATES IN LIABILITY STATUS FOR A THIRD CONSECUTIVE FISCAL YEAR. –

18 “(I) IN GENERAL.- If a liability amount has been established for a State agency under
19 subparagraph (C) for a third successive fiscal year, the Secretary shall hold the state
20 responsible to pay the entire liability amount for that fiscal year.

21 “(II) ALTERNATIVES TO FULL PAYMENT NOT AVAILABLE.-The alternatives provided
22 under clause (i) to full payment of the amount determined owed by a State agency under
23 subparagraph (C) shall not apply to this clause.”; and

1 (2) by inserting after paragraph (9) the following:

2 “(10) PENALTY FOR NEGATIVE ERROR RATE.-

3 “(A) DEFINITIONS.- In this paragraph:

4 “(i) AFFECTED STATE AGENCY.-The term “affected State agency” means a State
5 agency that maintained, for 2 consecutive fiscal years, a negative error rate that is
6 more than 50 percent higher than the national average negative error rate, as
7 determined by the Secretary.

8 “(ii) NEGATIVE ERROR RATE.-

9 “(I) IN GENERAL.-The term ‘negative error rate’ means, for a state agency in
10 a fiscal year, the ratio of, with respect to the fiscal year-

11 “ (aa) actions erroneously taken by the State agency to deny applications,
12 or to suspend or terminate benefits of a household that is currently
13 participating in the Food and Nutrition Program; to

14 “(bb) the total number of actions taken by the State agency to deny
15 applications, or to suspend or terminate benefits against households that are
16 currently participating in the Food and Nutrition Program.

17 “(II) EXCLUSIONS.-The following errors may be measured for management
18 purposes, but shall not be included in the negative error rate calculated under
19 subclause (I)-

20 “(aa) errors resulting from the application of new regulations
21 promulgated under this Act during the first 120 days from the required
22 implementation date for such regulations; and

1 “(bb) errors resulting from the use by a State agency of correctly
2 processed information concerning households or individuals received from
3 Federal agencies or from actions based on policy information approved or
4 disseminated, in writing, by the Secretary or the Secretary’s designee.

5 “(iii) NATIONAL AVERAGE NEGATIVE ERROR RATE.-The term “national average
6 negative error rate" means the sum of the products of -

7 “(I) each state agency’s negative error rate established under clause (ii);
8 multiplied by

9 “(II) that state agency’s proportion of the total negative caseload for the
10 fiscal year as calculated under the quality control sample at the time of the
11 notifications issued under subparagraph (C), as determined by the Secretary.

12 “(B) PENALTY AMOUNT.-For fiscal year 2008 and each subsequent fiscal year, the
13 amount of the penalty for an affected State agency shall be equal to 5 percent of the
14 amount otherwise payable under subsection (a).

15 “(C) INFORMATION REPORTING BY STATES.-

16 “(i) IN GENERAL.-Every State agency shall expeditiously submit to the Secretary
17 data concerning the operations of the State agency in each fiscal year sufficient for
18 the Secretary to establish the State agency’s negative error rate and penalty amount.

19 “(ii) RELEVANT INFORMATION.-The Secretary may require a State agency to report
20 any factors necessary to determine a State agency’s negative error rate.

21 “(iii) INFORMATION NOT REPORTED.-If a State agency fails to report information
22 required by the Secretary, the Secretary may use any information, as the Secretary

1 considers appropriate, to establish the negative error rate of the State agency for the
2 applicable year.

3 “(iv) NATIONAL AVERAGE ERROR RATE.--If a State agency fails to report
4 information required by the Secretary, the Secretary may use another measure of a
5 State’s negative error rate developed under clause (iii) to establish the national
6 average negative error rate.

7 “(D) ANNOUNCEMENT OF ERROR RATES.-

8 “(i) CASE REVIEW.-Not later than May 31 of fiscal year 2008 and each subsequent
9 fiscal year, the case review and all arbitration of State-Federal differences on
10 negative error cases for the previous fiscal year shall be completed.

11 “(ii) DETERMINATION AND ANNOUNCEMENT.-Not later than June 30 of fiscal year
12 2008 and each subsequent fiscal year, the Secretary shall, for the previous fiscal
13 year-

14 “(I) determine-

15 “(aa) final negative error rates;

16 “(bb) the national average negative error rate; and

17 “(cc) penalty amounts;

18 “(II) notify affected State agencies of the penalty amounts;

19 “(III) provide a copy of the notification under subclause (II) to the chief
20 executive officer and the legislature of the affected State; and

21 “(IV) establish a claim against the State agency for the monetary penalty
22 amount assessed against the State agency.

23 “(E) REVIEW.-

1 “(i) IN GENERAL.-For any fiscal year, if the Secretary imposes a penalty amount
2 against a State agency as provided under subparagraph (D)(ii), the following
3 determinations of the Secretary shall be subject to administrative and judicial review
4 as provided under section 14-

5 “(I) the final negative error rate of the State agency;

6 “(II) whether the negative error rate of the State agency exceeds 50 percent of
7 the national average negative error rate; and

8 “(III) the monetary penalty amount assessed against the State agency.

9 “(ii) DETERMINATION NOT REVIEWABLE.-The national average negative error rate
10 announced under this paragraph shall not be subject to administrative or judicial review.

11 “(F) PAYMENT OF PENALTY AMOUNT.-

12 “(i) IN GENERAL.-Upon completion of administrative and judicial review under
13 subparagraph (E), an affected State agency shall pay to the Secretary the penalty
14 amount designated under subparagraph (D)(ii), subject to the findings of the
15 administrative or judicial review, by September 30th of the fiscal year in which the
16 claim has been issued to the State agency.

17 “(ii) ALTERNATIVE METHOD OF COLLECTION.-

18 “(I) IN GENERAL.-If a State agency fails to make a payment under clause (i)
19 by September 30th of the fiscal year in which the claim has been issued to the
20 State agency, as determined by the Secretary, the Secretary may reduce any
21 amount due to the State agency under any other provision of this Act by the
22 amount of the monetary penalty established under subparagraph (D)(ii).

1 “(II) ACCRUAL OF INTEREST.-Interest on the amount owed shall not accrue,
2 as is otherwise provided under section 13(a)(2), until after September 30 of the
3 applicable fiscal year.”.

4 **SEC. 4011. EMPLOYMENT AND TRAINING PROGRAM.**

5 Section 16(h)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2025(h)(1)) is
6 amended by striking “2007” each place it appears and inserting “2012”.

7 **SEC. 4012. REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.**

8 Section 16(k)(3) of the Food and Nutrition Act of 2007 (7 U.S.C. 2025(k)(3)) is
9 amended by striking “2007” each place it appears and inserting “2012”.

10 **SEC. 4013. RESEARCH, DEMONSTRATION, AND EVALUATIONS.**

11 (a) CASH PAYMENT PILOT PROJECTS.—Section 17(b)(1)(B)(vi) of the Food and Nutrition
12 Act of 2007 (7 U.S.C. 2026(b)(1)(B)(vi)) is amended by striking “2007” and inserting
13 “2012”.

14 (b) NUTRITION EDUCATION AND PROMOTION INITIATIVE TO ADDRESS OBESITY.—Section
15 17 of the Food and Nutrition Act of 2007 (7 U.S.C. 2026) is amended by adding at the end
16 the following:

17 “(k) NUTRITION EDUCATION AND PROMOTION INITIATIVE TO ADDRESS OBESITY.-

18 “(1) IN GENERAL.-The Secretary shall establish a demonstration program, to be
19 known as the ‘Initiative to Address Obesity Among Low-Income Americans’ (referred to
20 in this subsection as the ‘Initiative’), to develop and implement solutions to reduce obesity
21 in the United States.

1 “(A) SELECTION.-The Secretary shall solicit and competitively select
2 demonstration proposals for strategies to address obesity among low-income
3 Americans.

4 “(B) EVALUATION.-The effectiveness of these strategies shall be rigorously
5 evaluated to assess the impact on overweight and obesity among low income
6 persons.

7 “(C) DISSEMINATION.- Evaluation results shall be shared broadly to inform policy
8 makers, service providers, other partners, and the public in order to promote wide use
9 of successful strategies.

10 “(D) DEMONSTRATION STRATEGIES.-Demonstration strategies may include-

11 “(i) providing incentives to households that receive food and nutrition
12 assistance to purchase fruits and vegetables from retail food stores participating in
13 the food and nutrition program; and

14 “(ii) increasing the use of farmers markets by households that receive food and
15 nutrition assistance.

16 “(2) GRANTS.—

17 “(A) IN GENERAL.-In carrying out the Initiative, the Secretary may enter into
18 competitively awarded contracts or cooperative agreements with, or grants to, public
19 or private organizations or agencies as defined by the Secretary, for use in
20 accordance with subparagraph (D).

21 “(B) APPLICATION.-To be eligible to receive a contract, cooperative agreement or
22 grant under this paragraph, an organization shall submit to the Secretary an

1 application at such time, in such manner, and containing such information as the
2 Secretary may require.

3 “(C) SELECTION CRITERIA.- Demonstration proposals shall be evaluated against
4 publicly disseminated criteria that include-

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

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

10 “(iii) a commitment to a demonstration plan that allows for a rigorous outcome
11 evaluation, including data collection; and

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

13 “(D) USE OF FUNDS.-

14 “(i) PROHIBITION.-Funds shall not be used for projects that limit the use of food
15 and nutrition benefits.

16 “(ii) MONITORING AND EVALUATION.-The Secretary may use funds provided for
17 the Initiative to pay costs associated with monitoring, evaluation, and
18 dissemination of the Initiative’s findings.

19 “(3) FUNDING.-For each of fiscal years 2008 through 2012, the Secretary shall use up
20 to \$20,000,000 made available under section 18(a)(1) to carry out the activities
21 specified in this subsection. No new grants shall be made under this subsection after
22 September 30, 2012.”.

23 (c) Section 17 is further amended by adding a new paragraph (j) as follows:

1 “(j) PILOT PROGRAM FOR EMPLOYED RECIPIENTS.—

2 “(1) ESTABLISHMENT.—The Secretary shall establish a pilot program in which not
3 more than 3 States reimburse the cost of certain work-related expenses of employed
4 members of households participating in the food and nutrition program in accordance with
5 this subsection.

6 “(2) REQUIREMENTS.-

7 “(A) ELIGIBLE EXPENSES.-

8 “(i) IN GENERAL.-The Secretary shall review and approve State plans for
9 expenses eligible for reimbursement under this subsection.

10 “(ii) ALLOWABLE EXPENSES.-Allowable expenses shall include, as determined
11 appropriate by the Secretary, the cost of-

12 “(I) uniforms;

13 “(II) professional licenses; and

14 “(III) tools.

15 “(iii) PROHIBITION.-

16 “(I) CHILD CARE COSTS.-The cost of child care shall not be eligible for
17 reimbursement under this subsection.

18 “(II) WORK RELATED EXPENSES.-The costs of work-related expenses for
19 participants who are receiving benefits under a State program funded under
20 part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) shall not be
21 eligible for reimbursement under this subsection.”

22 “(B) TIMING.-The Secretary may establish the period of time during which a
23 household shall be eligible to receive reimbursement under this subsection.

1 “(C) TERM.-A State shall provide reimbursement pursuant to this subsection for a
2 period of not more than 3 years.

3 “(3) FEDERAL SHARE.-The Federal share of the cost of the program under this
4 subsection-

5 “(A) shall be 50 percent; and

6 “(B) shall not exceed \$3,000,000.”.

7 (2) FUNDING.-Section 16(h)(1) of the Food and Nutrition Act of 2007 (7 U.S.C.
8 2025(h)(1)) is amended by adding at the end the following:

9 “(F) PILOT PROGRAM FOR EMPLOYED RECIPIENTS.-In addition to the allocations
10 under subparagraph (A), from funds made available under section 18(a)(1), the
11 Secretary shall allocate not more than a total of \$3,000,000 for the period of fiscal
12 years 2008 through 2011 to carry out the pilot program under section 17(j). No new
13 grants shall be made under section 17(j) after September 30, 2011.”.

14 **SEC. 4014. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 18(a)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2027(a)(1)) is
16 amended in the first sentence by striking “2007” and inserting “2012”.

17 **SEC. 4015. CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND** 18 **AMERICAN SAMOA.**

19 Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2007 (7 U.S.C.
20 2028(a)(2)(A)(ii)) is amended by striking “2007” and inserting “2012”.

21 **SEC. 4016. BENEFITS FOR COMMUNITY FOOD PROJECTS.**

1 Section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) is amended in
2 subsections (b)(2)(B) and (h)(4) by striking “2007” each place it appears and inserting
3 “2012”.

4 **SEC. 4017. CONFORMING AMENDMENTS TO RENAMING OF FOOD STAMP**
5 **PROGRAM.**

6 (a) In General.-

7 (1) Section 5(h)(2)(A) of the Food and Nutrition Act of 2007 (7 U.S.C.
8 2014(h)(2)(A)) is amended by striking “food stamp disaster task force” and inserting
9 “food and nutrition disaster task force”.

10 (2) Section 6 of the Food and Nutrition Act of 2007 (7 U.S.C. 2015) is amended—

11 (A) in subsection (d)(3), by striking “eligible for food stamps” and inserting
12 “eligible to receive food and nutrition benefits”;

13 (B) in subsection (g), by striking “food stamps” and inserting “food and nutrition
14 benefits”;

15 (C) in subsection (j), in the subsection heading, by striking “Food Stamp” and
16 inserting “Food and Nutrition”; and

17 (D) in subsection (o)—

18 (i) in paragraph (2), by striking “food stamp benefits” and inserting “food and
19 nutrition benefits”; and

20 (ii) in paragraph (6)—

21 (I) in subparagraph (A)—

1 (aa) in clause (i), by striking “food stamps” and inserting “food and
2 nutrition benefits”; and

3 (bb) in clause (ii)-

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

7 (BB) by striking “food stamp benefits” each place it appears and
8 inserting “food and nutrition benefits”; and

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

12 (3) Section 7 of the Food and Nutrition Act of 2007 (7 U.S.C. 2016) is amended—

13 (A) in subsection (i)-

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

16 (ii) in paragraph (7), by striking “food stamp issuance” and inserting “food and
17 nutrition benefits issuance”; and

18 (B) in subsection (k)-

19 (i) in paragraph (2), by striking “food stamp benefits” and inserting “food and
20 nutrition benefits”; and

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

1 (4) Section 9(b)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2018(b)(1)) is
2 amended by striking “food stamp households” and inserting “households that receive food
3 and nutrition benefits”.

4 (5) Section 11 of the Food and Nutrition Act of 2007 (7 U.S.C. 2020) is amended—

5 (A) in subsection (e)-

6 (i) in paragraph (2)-

7 (I) in subparagraph (A), by striking “food stamp offices” and inserting “food
8 and nutrition offices”; and

9 (II) in subparagraph (B)-

10 (aa) in clause (iii), by striking “food stamp office” and inserting “food
11 and nutrition office”;

12 (bb) in clause (v)(II), by striking “food stamps” and inserting “food and
13 nutrition benefits”; and

14 (cc) in clause (vii), by striking “food stamp offices” and inserting “food
15 and nutrition offices”;

16 (ii) in paragraph (14), by striking “food stamps” and inserting “food and
17 nutrition benefits”;

18 (iii) in paragraph (16), by striking “food stamps” and inserting “food and
19 nutrition benefits”; and

20 (iv) in paragraph (25)—

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

1 (II) in subparagraph (A), by striking “food stamp benefits” and inserting
2 “food and nutrition benefits”;

3 (B) in subsection (f)-

4 (i) in paragraph (1)-

5 (I) by striking “food stamps” and inserting “food and nutrition benefits”;

6 and

7 (II) by striking “food stamp offices” and inserting “food and nutrition
8 offices”; and

9 (ii) in paragraph (2)(B), by striking “food stamp participants” each place it
10 appears and inserting “participants in the food and nutrition program”;

11 (C) in subsection (k), by striking “may issue, upon request by the State agency,
12 food stamps” and inserting “may provide, on request by the State agency, food and
13 nutrition benefits”;

14 (D) in subsection (l), by striking “food stamp participation” and inserting “food
15 and nutrition program participation”;

16 (E) in subsections (q) and (r), in the subsection headings, by striking “Food
17 Stamps” each place it appears and inserting “Food and Nutrition Benefits”;

18 (F) in subsection (s), by striking “food stamp benefits” each place it appears and
19 inserting “food and nutrition benefits”; and

20 (G) in subsection (t)(1)—

21 (i) in subparagraph (A), by striking “food stamp application” and inserting
22 “food and nutrition program application”; and

1 (ii) in subparagraph (B), by striking “food stamp benefits” and inserting “food
2 and nutrition benefits”.

3 (6) Section 12(a) of the Food and Nutrition Act of 2007 (7 U.S.C. 2021(a)) is
4 amended in the first sentence by striking “food stamp households” and inserting
5 “households receiving food and nutrition benefits”.

6 (7) Section 14(b) of the Food and Nutrition Act of 2007 (7 U.S.C. 2023(b)) is
7 amended by striking “food stamp allotments” and inserting “food and nutrition benefits”.

8 (8) Section 16 of the Food and Nutrition Act of 2007 (7 U.S.C. 2025) is amended—

9 (A) in subsection (a)(4), by striking “food stamp informational activities” and
10 inserting “informational activities relating to the food and nutrition program”;

11 (B) in subsection (c)(9)(C), by striking “food stamp caseload” and inserting “the
12 caseload under the food and nutrition program”; and

13 (C) in subsection (h)(1)(E)(i), by striking “food stamp recipients” and inserting
14 “households receiving food and nutrition benefits”.

15 (9) Section 17 of the Food and Nutrition Act of 2007 (7 U.S.C. 2026) is amended—

16 (A) in subsection (a)(2), by striking “food stamp benefits” each place it appears
17 and inserting “food and nutrition benefits”;

18 (B) in subsection (b)-

19 (i) in paragraph (1)-

20 (I) in subparagraph (A), by striking “food stamp benefits” and inserting
21 “food and nutrition benefits”; and

22 (II) in subparagraph (B)-

1 (aa) in clause (ii)(II), by striking “food stamp recipients” and inserting
2 “food and nutrition program recipients”;

3 (bb) in clause (iii)(I), by striking “the State’s food stamp households”
4 and inserting “the number of households in the State receiving food and
5 nutrition benefits”; and

6 (cc) in clause (iv)(IV)(bb), by striking “food stamp deductions” and
7 inserting “food and nutrition program deductions”;

8 (ii) in paragraph (2), by striking “food stamp benefits” and inserting “food and
9 nutrition benefits”; and

10 (iii) in paragraph (3)—

11 (I) in subparagraph (A), by striking “food stamp employment” and inserting
12 “food and nutrition program employment”;

13 (II) in subparagraph (B), by striking “food stamp recipients” and inserting
14 “food and nutrition program recipients”;

15 (III) in subparagraph (C), by striking “food stamps” and inserting “food and
16 nutrition benefits”; and

17 (IV) in subparagraph (D), by striking “food stamp benefits” and inserting
18 “food and nutrition benefits”;

19 (C) in subsection (c), by striking “food stamps” and inserting “food and nutrition
20 benefits”;

21 (D) in subsection (d)-

22 (i) in paragraph (2)-

1 (I) in subparagraph (A), by striking “food stamp allotments” each place it
2 appears and inserting “food and nutrition benefits”; and

3 (II) in subparagraph (C)(ii), by striking “food stamp benefit” and inserting
4 “food and nutrition benefit”; and

5 (ii) in paragraph (3)(E), by striking “food stamp benefits” and inserting “food
6 and nutrition benefits”;

7 (E) in subsections (e) and (f), by striking “food stamp benefits” each place it
8 appears and inserting “food and nutrition benefits”;

9 (F) in subsection (g), in the first sentence, by striking “receipt of food stamp” and
10 inserting “receipt of food and nutrition benefit”; and

11 (G) in subsection (j), by striking “food stamp agencies” and inserting “food and
12 nutrition program agencies”.

13 (10) Section 18(a)(3)(A)(ii) of the Food and Nutrition Act of 2007 (7 U.S.C.
14 2027(a)(3)(A)(ii)) is amended by striking “food stamps” and inserting “food and nutrition
15 benefits”.

16 (11) Section 21(d)(3) of the Food and Nutrition Act of 2007 (7 U.S.C. 2030(d)(3)) is
17 amended by striking “food stamp benefits” and inserting “food and nutrition benefits”.

18 (12) Section 22 of the Food and Nutrition Act of 2007 (7 U.S.C. 2031) is amended—

19 (A) in the section heading, by striking “food stamp portion of MINNESOTA
20 family investment plan” and inserting “food and nutrition benefits portion of
21 MINNESOTA family investment project”;

1 (B) in subsections (b)(12) and (d)(3), by striking “the Food Stamp Act, as
2 amended,” each place it appears and inserting “this Act”; and

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

5 (13) Section 26 of the Food and Nutrition Act of 2007 (7 U.S.C. 2035) is amended—

6 (A) in the section heading, by striking “simplified food stamp program” and
7 inserting “simplified food and nutrition program”; and

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

10 (b) CONFORMING CROSS-REFERENCES.-

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

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

15 (B) by striking “Food Stamp Act of 1977” each place it appears and inserting
16 “Food and Nutrition Act of 2007”;

17 (C) by striking “Food Stamp Act” each place it appears and inserting “Food and
18 Nutrition Act of 2007”;

19 (D) by striking “food stamp” each place it appears and inserting “food and
20 nutrition benefit”;

1 (E) by striking “food stamps” each place it appears and inserting “food and
2 nutrition benefits”;

3 (F) in each applicable title, subtitle, chapter, subchapter, and section heading, by
4 striking “food stamp” each place it appears and inserting “food and nutrition
5 benefit”;

6 (G) in each applicable subsection and appropriations heading, by striking “Food
7 Stamp” each place it appears and inserting “Food and Nutrition Benefit”;

8 (H) in each applicable heading other than a title, subtitle, chapter, subchapter,
9 section, subsection, or appropriations heading, by striking “food stamp” each place it
10 appears and inserting “food and nutrition benefit”;

11 (I) in each applicable title, subtitle, chapter, subchapter, and section heading, by
12 striking “food stamps” each place it appears and inserting “food and nutrition
13 benefits”;

14 (J) in each applicable subsection and appropriations heading, by striking “Food
15 Stamps” each place it appears and inserting “Food and Nutrition Benefits”; and

16 (K) in each applicable heading other than a title, subtitle, chapter, subchapter,
17 section, subsection, or appropriations heading, by striking “food stamps” each place
18 it appears and inserting “food and nutrition benefits”.

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

21 (A) The Congressional Budget Act of 1974 (2 U.S.C. 601 et seq.).

1 (B) The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C.
2 900 et seq.).

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

4 (D) The Food Stamp Program Improvements Act of 1994 (Public Law 103–225;
5 108 Stat. 106).

6 (E) Title IV of the Farm Security and Rural Investment Act of 2002 (Public Law
7 107–171; 116 Stat. 305).

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

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

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

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

15 (J) The National Agricultural Research, Extension, and Teaching Policy Act of
16 1977 (7 U.S.C. 3101 et seq.).

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

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

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

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

22 (O) Title 18, United States Code.

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

1 (Q) The Internal Revenue Code of 1986.

2 (R) Section 650 of the Treasury and General Government Appropriations Act,
3 2000 (26 U.S.C. 7801 note; Public Law 106–58).

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

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

6 (U) Title 31, United States Code.

7 (V) Title 37, United States Code.

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

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

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

12 (Z) Section 232 of the Social Security Act Amendments of 1994 (42 U.S.C.
13 1314a).

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

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

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

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

19 (EE) Section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C.
20 4728).

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

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

3 (HH) Section 658K of the Child Care and Development Block Grant Act of
4 1990 (42 U.S.C. 9858i).

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

6 (JJ) Public Law 95–348 (92 Stat. 487).

7 (KK) The Agriculture and Food Act of 1981 (95 Stat. 1213).

8 (LL) The Disaster Assistance Act of 1988 (102 Stat. 924).

9 (MM) The Food, Agriculture, Conservation, and Trade Act of 1990 (104 Stat.
10 3359).

11 (NN) The Cranston-Gonzalez National Affordable Housing Act (104 Stat.
12 4079).

13 (OO) Section 388 of the Persian Gulf Conflict Supplemental Authorization and
14 Personnel Benefits Act of 1991 (105 Stat. 98).

15 (PP) The Food, Agriculture, Conservation, and Trade Act Amendments of
16 1991 (105 Stat. 1818).

17 (QQ) The Act of March 26, 1992 (106 Stat. 90).

18 (RR) Public Law 105–379 (112 Stat. 3399).

19 (SS) Section 101(c) of the Emergency Supplemental Act, 2000 (114 Stat. 528).

20 (c) References.-Any reference in any Federal, State, tribal, or local law (including
21 regulations) to the “food stamp program” established under the Food and Nutrition Act of
22 2007 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to the “food and
23 nutrition program” established under that Act.

1 Subtitle B-Commodity Distribution

2 **SEC. 4021. COMMODITY DISTRIBUTION PROGRAMS.**

3 Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note;
4 Public Law 93–86) is amended in the first sentence by striking “2007” and inserting
5 “2012”.

6 **SEC. 4022. DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL** 7 **NUTRITION PROJECTS.**

8 Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A))
9 is amended in the first sentence by striking “2007” and inserting “2012”.

10 **SEC. 4023. EMERGENCY FOOD ASSISTANCE.**

11 (a) Definitions.—Section 201A of the Emergency Food Assistance Act of 1983 (7
12 U.S.C. 7501) is amended-

13 (1) in paragraph (3), in the matter preceding subparagraph (A) by striking
14 “organization” inserting “organization, including a community based or faith based
15 organization,”;

16 (2) in paragraph (4) by striking “organization” the second time it occurs and inserting
17 “organization, including a community based or faith based organization,”; and

18 (3) in paragraph (6) by striking “organization” and inserting “organization, including
19 a community based or faith based organization,”.

20 (b) State Plans.-Section 202A of the Emergency Food Assistance Act of 1983 (7 U.S.C.
21 7503) is amended by striking subsection (a) and inserting the following:

1 “(a) Plans.—

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

4 “(2) UPDATES.—A State shall submit to the Secretary for approval an amendment to a
5 plan submitted under paragraph (1), in instances when the State proposes to make changes
6 in program operations or administration that are described in the plan.”.

7 (c) Federal and State Responsibilities.—Section 203B of the Emergency Food Assistance
8 Act of 1983 (7 U.S.C. 7505) is amended-

9 (1) by striking the second sentence in paragraph (a);

10 (2) by redesignating subsections (b), (c), and (d) as (d), (e) and (f); and

11 (3) by amending subsections (b) and (c) to read as follows:

12 “(b) State agencies shall establish criteria for determining the ability of organizations
13 applying for participation to-

14 “(1) distribute commodities in a timely manner;

15 “(2) provide adequate storage facilities;

16 “(3) maintain inventory records;

17 “(4) distribute commodities to all designated areas;

18 “(5) limit the distribution of commodities to those individuals and organizations
19 eligible to receive them; and

20 “(6) provide services to organizations at no cost or for a nominal fee.

21 “(c) The State agency shall, after conducting an open competition, select organizations
22 for a 3-year period to participate in the program. In selecting from among qualified

1 organizations, the State agency may consider the effectiveness of each organization to
2 distribute commodities provided under this Act based on—

3 “(1) past performance of the organization in providing comparable services,
4 including how effectively the organization provided such services;

5 “(2) information provided by the organization in response to the solicitation;

6 “(3) the capacity of the organization to serve those eligible;

7 “(4) the ability of the organization to meet the standards set forth in subsection (b);

8 “(5) the proposed budget and plan of the organization to maintain strong fiscal
9 controls and cost effective fiscal management; and

10 “(6) the organization’s plan to coordinate activities with other local organizations
11 providing similar services.”.

12 (d) Reauthorization.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983
13 (7 U.S.C. 7508(a)(1)) is amended in the first sentence by striking “2007” and inserting
14 “2012”.

15 **Subtitle C-Miscellaneous**

16 **SEC. 4031. SENIORS FARMERS’ MARKET NUTRITION PROGRAM.**

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

19 (1) in subsection (a), by striking “2007” and inserting “2012”;

20 (2) by redesignating subsection (c) as subsection (e); and

21 (3) by inserting after subsection (b) the following:

1 “(c) EXCLUSION OF BENEFITS IN DETERMINING ELIGIBILITY FOR OTHER PROGRAMS.-The
2 value of any benefit provided to any eligible Seniors Farmers’ Market Nutrition Program
3 recipient under this section shall not be considered to be income or resources for any
4 purposes under any Federal, State, or local laws.

5 “(d) PROHIBITION ON COLLECTION OF SALES TAX.-The State shall ensure that no State or
6 local taxes are collected within the State on purchases of food with coupons distributed
7 under the Seniors Farmers’ Market Nutrition Program.”.

8 **SEC. 4032. PURCHASE OF FRUITS AND VEGETABLES FOR SCHOOL**
9 **NUTRITION PROGRAMS**

10 Section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755) is
11 amended by inserting at the end a new subsection (f) that reads as follows:

12 “(f) PURCHASE OF FRUITS AND VEGETABLES FOR SCHOOL NUTRITION PROGRAMS.-

13 “(1) IN GENERAL.-In addition to any other assistance provided under any other
14 provision of law, including commodity assistance provided under this section and
15 assistance provided under sections 4 and 11, beginning with fiscal year 2008, and for
16 each subsequent fiscal year, the Secretary shall use \$50,000,000 of funds made available
17 under section 3 of this Act to provide fruits and vegetables to States participating in the
18 school lunch program under this Act.”

19 “(2) AMOUNT OF ASSISTANCE.-The total commodity benefits provided to a State under
20 paragraph (1) shall be calculated based on the number of lunches served in the second
21 preceding school year and shall be in addition to the value of commodity benefits offered
22 to each State under subsection (b).

1 “(3) DEPARTMENT OF DEFENSE.- The Secretary may make a portion of the amount
2 specified in paragraph (1) available to the Department of Defense for the procurement of
3 fruits and vegetables.”.

4 **SEC. 4033. SURVEY OF FOODS PURCHASED BY SCHOOL FOOD**

5 **AUTHORITIES.**

6 Section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755) (as
7 amended in section 4034) is amended by inserting at the end a new subsection (g):

8 “(g) SURVEY REQUIRED EVERY FIVE YEARS- For fiscal year 2008, and for every fifth
9 fiscal year thereafter, the Secretary of Agriculture shall initiate a nationally representative
10 study of the foods purchased during the school year by school authorities participating in
11 the National School Lunch Program.

12 “(1) REPORT REQUIRED- Upon completion of the study, the Secretary shall submit to
13 Congress a report describing the results of the study under this subsection.

14 “(2) FUNDING-For fiscal year 2008 and every fifth fiscal year thereafter, the Secretary
15 shall use not more than \$3,000,000 of funds made available under section 3 to carry out
16 the study required by this subsection.”.