

112TH CONGRESS  
1ST SESSION

# S. 2016

To amend the Food and Nutrition Act of 2008, the Richard B. Russell National School Lunch Act, and the Child Nutrition Act of 1966 to increase access to healthy food for families, to amend the Consolidated Farm and Rural Development Act and the Farm Security and Rural Investment Act of 2002 to increase access to credit for small and new farmers, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2011

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

---

## A BILL

To amend the Food and Nutrition Act of 2008, the Richard B. Russell National School Lunch Act, and the Child Nutrition Act of 1966 to increase access to healthy food for families, to amend the Consolidated Farm and Rural Development Act and the Farm Security and Rural Investment Act of 2002 to increase access to credit for small and new farmers, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Fresh Regional Eating for Schools and Health Act of  
 4 2011”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—INCREASING ACCESS TO HEALTHY FOOD FOR FAMILIES**

Sec. 101. Supplemental nutrition assistance program.

Sec. 102. Smartphone and tablet technology; qualified online retailers.

Sec. 103. Local foods.

Sec. 104. Alternative forms of training for retail stores to provide supplemental  
 foods under WIC program.

**TITLE II—INCREASING ACCESS TO CREDIT FOR SMALL AND NEW  
 FARMERS**

Sec. 201. Loans for agricultural producers.

7 **TITLE I—INCREASING ACCESS**  
 8 **TO HEALTHY FOOD FOR FAM-**  
 9 **ILIES**

10 **SEC. 101. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**  
 11 **GRAM.**

12 (a) **NUTRITIONAL VALUE OF FOOD.**—Section  
 13 17(b)(1)(B)(ii) of the Food and Nutrition Act of 2008 (7  
 14 U.S.C. 2026(b)(1)(B)(ii)) is amended—

15 (1) in subclause (III), by striking “or” at the  
 16 end;

17 (2) in subclause (IV), by striking the period at  
 18 the end and inserting “; or”; and

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

1           “(V) provide a reasonable expect-  
2           tation that the nutritional value of  
3           food purchased with supplemental nu-  
4           trition assistance program benefits  
5           will increase or will assist supple-  
6           mental nutrition assistance program  
7           beneficiaries in meeting Federal nutri-  
8           tion guidelines, on the conditions  
9           that—

10                   “(aa) in order to promote  
11                   the development of innovative lo-  
12                   cally developed projects that ap-  
13                   peal to agricultural producers,  
14                   supplemental nutrition assistance  
15                   program beneficiaries, anti-hun-  
16                   ger advocates, and public health  
17                   groups, a State that applies for  
18                   waivers under this subclause  
19                   shall solicit substantial public  
20                   input for a period of not less  
21                   than 90 days; and

22                   “(bb) a waiver under this  
23                   subclause shall not reduce the eli-  
24                   gibility for, or amount of, bene-

1 fits available to recipients under  
2 this Act.”.

3 (b) REPORTING REQUIREMENTS.—Section 4 of the  
4 Food and Nutrition Act of 2008 (7 U.S.C. 2013) is  
5 amended by adding at the end the following:

6 “(d) REPORTING REQUIREMENTS.—

7 “(1) RETAIL FOOD STORE.—Not later than  
8 March 31 of each year, the owner of any 1 or more  
9 retail food store that has annual gross sales in ex-  
10 cess of \$1,000,000 resulting from the sale of food in  
11 exchange for any benefits under the supplemental  
12 nutrition assistance program shall prepare and sub-  
13 mit to the Secretary a report listing any food pur-  
14 chased by any individual with any benefits under the  
15 supplemental nutrition program during the previous  
16 calendar year.

17 “(2) SECRETARY.—Not later than 90 days  
18 after the date on which the report described in para-  
19 graph (1) is submitted, the Secretary shall prepare  
20 and submit to Congress a report compiling the data  
21 listed in any report submitted under paragraph  
22 (1).”.

23 **SEC. 102. SMARTPHONE AND TABLET TECHNOLOGY; QUALI-**  
24 **FIED ONLINE RETAILERS.**

25 (a) SMARTPHONE AND TABLET TECHNOLOGY.—

1           (1) SNAP.—Section 7(h) of the Food and Nu-  
2           trition Act of 2008 (7 U.S.C. 2016(h)) is amend-  
3           ed—

4                   (A) by redesignating the second paragraph  
5           (12) (relating to interchange fees) as paragraph  
6           (13); and

7                   (B) by adding at the end the following:

8           “(14) SMARTPHONE AND TABLET TECH-  
9           NOLOGY.—

10                   “(A) IN GENERAL.—Not later than 180  
11           days after the date of enactment of this para-  
12           graph, the Secretary, in consultation with orga-  
13           nizations representing the electronics payments  
14           industry, shall issue recommendations to States  
15           on the use and implementation of smartphone  
16           and tablet technology for acceptance of elec-  
17           tronic benefit transfers under the supplemental  
18           nutrition assistance program.

19                   “(B) IMPLEMENTATION.—Not later than  
20           180 days after the date of issuance of rec-  
21           ommendations under subparagraph (A) or as of  
22           the date of the next electronic benefit transfer  
23           contract renewal of the State, as a condition of  
24           participation in the program, each State shall  
25           ensure that the prime contractors of the State

1 responsible for electronic benefit transfer serv-  
2 ices and training shall make such modifications  
3 as are necessary to implement smartphone and  
4 tablet technology for acceptance of electronic  
5 benefit transfers under the supplemental nutri-  
6 tion assistance program in that State.”.

7 (2) WIC.—Section 17(h)(12) of the Child Nu-  
8 trition Act of 1966 (42 U.S.C. 1786(h)(12)) is  
9 amended by adding at the end the following:

10 “(H) SMARTPHONE AND TABLET TECH-  
11 NOLOGY.—

12 “(i) IN GENERAL.—Not later than 90  
13 days after the date of enactment of this  
14 subparagraph, the Secretary shall issue  
15 recommendations to State agencies on the  
16 use and implementation of smartphone and  
17 tablet technology for acceptance of elec-  
18 tronic benefit transfers under the program.

19 “(ii) IMPLEMENTATION.—Not later  
20 than 180 days after the date of issuance of  
21 recommendations under clause (i), as a  
22 condition of participation in the program,  
23 each State agency shall ensure that the  
24 prime contractors of the State responsible  
25 for electronic benefit transfer services and

1 training shall make such modifications as  
2 are necessary to implement smartphone  
3 and tablet technology for acceptance of  
4 electronic benefit transfers under the pro-  
5 gram in that State.”.

6 (b) **QUALIFIED ONLINE RETAILERS.**—Section 3(p)  
7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(p))  
8 is amended—

9 (1) in paragraph (3), by striking “and” at the  
10 end;

11 (2) in paragraph (4), by striking the period at  
12 the end and inserting “; and”; and

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

14 “(5) an online food retailer that meets the re-  
15 quirements described in paragraph (1), except that  
16 benefits under the supplemental nutrition assistance  
17 program may not be used to pay for any delivery  
18 fees from the online food retailer.”.

19 **SEC. 103. LOCAL FOODS.**

20 Section 6 of the Richard B. Russell National School  
21 Lunch Act (42 U.S.C. 1755) is amended by adding at the  
22 end the following:

23 “(f) **LOCAL FOODS.**—

24 “(1) **IN GENERAL.**—Notwithstanding any other  
25 provision of this section or other law, of the funds

1 made available to the Secretary during a fiscal year  
2 for direct expenditure by the Secretary for agricul-  
3 tural commodities and other foods to be distributed  
4 under this Act and the Child Nutrition Act of 1966  
5 (42 U.S.C. 1771 et seq.) (other than funds made  
6 available under section 10603 of the Farm Security  
7 and Rural Investment Act of 2002 (7 U.S.C. 612c-  
8 4) or section 4404 of the Food, Conservation, and  
9 Energy Act of 2008 (7 U.S.C. 612c-5)), the Sec-  
10 retary shall make available 50 percent of those funds  
11 each fiscal year to schools and school food authori-  
12 ties participating in the food service programs under  
13 this Act and the Child Nutrition Act of 1966 (42  
14 U.S.C. 1771 et seq.) to purchase directly local foods  
15 for use in the food service programs.

16 “(2) IMPACT ON SPECIALTY CROPS.—If the  
17 Secretary determines that the requirement under  
18 paragraph (1) is negatively impacting the purchase  
19 of specialty crops for distribution under this Act and  
20 the Child Nutrition Act of 1966 (42 U.S.C. 1771 et  
21 seq.), the Secretary may require that schools and  
22 school food authorities, as a condition on the receipt  
23 of funds under paragraph (1), use the funds to pur-  
24 chase local specialty crops.”.



1 **SEC. 104. ALTERNATIVE FORMS OF TRAINING FOR RETAIL**  
 2 **STORES TO PROVIDE SUPPLEMENTAL FOODS**  
 3 **UNDER WIC PROGRAM.**

4 Section 17(f)(1)(C) of the Child Nutrition Act of  
 5 1966 (42 U.S.C. 1786(f)(1)(C)) is amended—

6 (1) in clause (x), by striking “and” after the  
 7 semicolon at the end;

8 (2) by redesignating clause (xi) as clause (xii);  
 9 and

10 (3) by inserting after clause (x) the following:

11 “(xi) a plan to allow retail stores to receive al-  
 12 ternate forms of training (including through  
 13 videoconferencing) from the State agency to obtain  
 14 authorization to provide supplemental foods under  
 15 the program; and”.

16 **TITLE II—INCREASING ACCESS**  
 17 **TO CREDIT FOR SMALL AND**  
 18 **NEW FARMERS**

19 **SEC. 201. LOANS FOR AGRICULTURAL PRODUCERS.**

20 (a) **DIRECT FARM OWNERSHIP LOANS.**—Section  
 21 302(b) of the Consolidated Farm and Rural Development  
 22 Act (7 U.S.C. 1922(b)) is amended—

23 (1) in the matter preceding subparagraph (A),  
 24 by inserting “or has obtained a baccalaureate degree  
 25 related to farm management (including horticulture

1 and agricultural business management)” after “not  
2 less than 3 years”; and

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

4 “(4) SUSPENSION OF LIMITATION ON PERIOD  
5 FOR WHICH BORROWERS ARE ELIGIBLE FOR DIRECT  
6 FARM OWNERSHIP LOANS.—Beginning on the date  
7 of enactment of this paragraph, subparagraph (C) of  
8 paragraph (1) and subparagraphs (B) and (C) of  
9 paragraph (3) shall have no force or effect.”.

10 (b) ELIGIBILITY OF FOOD BANKS AND OTHER NON-  
11 PROFIT HUNGER ASSISTANCE ORGANIZATIONS FOR OP-  
12 ERATING LOANS.—Section 311(a) of the Consolidated  
13 Farm and Rural Development Act (7 U.S.C. 1941(a)) is  
14 amended by striking “and limited liability companies”  
15 each place it appears and inserting “limited liability com-  
16 panies, and food banks and other nonprofit hunger assist-  
17 ance organizations”.

18 (c) SUSPENSION OF LIMITATION ON PERIOD FOR  
19 WHICH BORROWERS ARE ELIGIBLE FOR DIRECT OPER-  
20 ATING LOANS; MICROLOAN PROGRAM.—Section 311(c) of  
21 the Consolidated Farm and Rural Development Act (7  
22 U.S.C. 1941(c)) is amended—

23 (1) in paragraph (1), in the matter preceding  
24 subparagraph (A), by striking “and (4)” and insert-  
25 ing “through (5)”; and

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

2 “(5) SUSPENSION OF LIMITATION ON PERIOD  
3 FOR WHICH BORROWERS ARE ELIGIBLE FOR DIRECT  
4 OPERATING LOANS.—Beginning on the date of en-  
5 actment of this paragraph, subparagraph (C) of  
6 paragraph (1) shall have no force or effect.

7 “(6) MICROLOAN PROGRAM.—

8 “(A) IN GENERAL.—Not later than 180  
9 days after the date of enactment of this para-  
10 graph, the Secretary shall establish a microloan  
11 program within the operating loan program es-  
12 tablished under this subtitle.

13 “(B) LOAN AMOUNT.—Each loan issued  
14 under the program shall be in an amount of not  
15 less than \$500 and not more than \$5,000.

16 “(C) LOAN PROCESSING.—The Secretary  
17 shall process any loan application submitted  
18 under the program not later than 30 days after  
19 the date on which the application was sub-  
20 mitted.

21 “(D) EXPEDITING APPLICATIONS.—The  
22 Secretary shall take any measure the Secretary  
23 determines necessary to expedite any applica-  
24 tion submitted under the program.

1           “(E) PAPERWORK REDUCTION.—The Sec-  
2           retary shall take measures to reduce any paper-  
3           work requirements for loans under the pro-  
4           gram.”.

5           (d) SUSPENSION OF LIMITATION ON PERIOD FOR  
6           WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED  
7           ASSISTANCE.—Section 5102 of the Farm Security and  
8           Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public  
9           Law 107–171) is amended by striking “During the period  
10          beginning January 1, 2002, and ending December 31,  
11          2010,” and inserting “Beginning January 1, 2002,”.

○