

**SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5003
OFFERED BY MR. BRAT**

In lieu of the matter proposed to be inserted, insert
the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Childhood Nutrition
3 Flexible Funding Act”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) The Healthy and Hunger Free Kids Act of
7 2010 (Public Law 111-296) imposed additional bur-
8 dens and bureaucratic mandates on childhood nutri-
9 tion programs.

10 (2) The standards assume that only the Federal
11 government has the best interests of children in
12 mind, and only the Federal Government is capable
13 of making wise nutrition decisions.

14 (3) Federal mandates on State and local gov-
15 ernments have reduced children’s willingness to eat
16 the food provided at schools, thus wasting taxpayer
17 money and leaving kids hungry.

1 (4) Detailed Federal standards remove parents
2 and local leaders from the decisions surrounding
3 children's nutrition. Parents already teach their chil-
4 dren to make dietary decisions that reflect their
5 unique needs.

6 (5) Congress should ensure that childhood nu-
7 trition subsidies respect local, parental, and student
8 choices.

9 **SEC. 3. PURPOSE.**

10 Section 2 of the Child Nutrition Act of 1966 (42
11 U.S.C. 1771) is amended—

12 (1) by striking “, based on” and all that follows
13 through “research,”;

14 (2) by striking “these efforts” and all that fol-
15 lows through “ a measure” and inserting “efforts”;
16 and

17 (3) by striking “by assisting States, through
18 grants-in-aid and other means,” and inserting “are
19 hereby reserved to the States,”.

20 **SEC. 4. GRANTS TO STATES FOR CHILD NUTRITION PRO-**
21 **GRAMS.**

22 (a) GRANTS TO STATES.—

23 (1) IN GENERAL.—From the amounts appro-
24 priated under subsection (b), each State that meets
25 the requirements of this Act shall receive from the

1 Secretary of Agriculture, for each of fiscal years
2 2017 through 2021, a grant to provide affordable
3 nutritious meals to elementary and secondary school
4 students in such State.

5 (2) ALLOTMENT.—From amounts described in
6 paragraph (1) for a fiscal year, the Secretary of Ag-
7 riculture shall allot to each State for that fiscal year
8 an amount that bears the same ratio to those
9 amounts as the number of students in average daily
10 attendance served by elementary and secondary
11 schools in the State for that fiscal year bears to the
12 number of all such students served by elementary
13 and secondary schools in all States for that fiscal
14 year.

15 (b) APPROPRIATION.—There is authorized to be ap-
16 propriated to carry out this section—

- 17 (1) \$22,796,000,000 for fiscal year 2017;
18 (2) \$23,742,000,000 for fiscal year 2018;
19 (3) \$24,760,000,000 for fiscal year 2019;
20 (4) \$25,839,000,000 for fiscal year 2020; and
21 (5) \$26,969,000,000 for fiscal year 2021.

22 (c) EXPENDITURE OF FUNDS.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), amounts received by a State under this
25 Act for any fiscal year shall be expended by the

1 State in such fiscal year or in the succeeding fiscal
2 year.

3 (2) USE OF RAINY DAY FUND PERMITTED.—Of
4 the amounts received by a State under this Act, the
5 State may set aside, in a separate account, such
6 amounts as the State deems necessary to provide,
7 without fiscal limitation, child nutrition-related items
8 and services for indigent individuals during—

9 (A) periods of unexpectedly high rates of
10 unemployment; or

11 (B) periods related to circumstances that
12 are not described in subparagraph (A) and that
13 cause unexpected increases in the need for such
14 items and services for such individuals.

15 (3) FUNDS REMAINING AFTER FISCAL YEAR
16 2021.—If, after fiscal year 2021, a State has funds
17 in the account under paragraph (2), the State may
18 only expend such funds if such funds are used in a
19 manner that is permitted under subsection (a), as
20 such subsection is in effect on September 30, 2021.

21 (d) LIMITED ROLE FOR SECRETARY OF AGRI-
22 CULTURE.—The authority of the Secretary of Agriculture
23 under this Act is limited to making quarterly payments
24 to the States under grants under this Act in accordance
25 with subsection (a).

1 (e) DEFINITIONS.—For purposes of this Act—

2 (1) the term “affordable”, when used with re-
3 spect to providing meals to students in a State, shall
4 be defined by such State; and

5 (2) the terms “elementary school”, “secondary
6 school”, and “State” have the meanings given these
7 terms in section 8101 of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C. 7801).

9 **SEC. 5. REPEALS.**

10 The following shall be repealed:

11 (1) The school lunch program under the Rich-
12 ard B. Russell National School Lunch Act (42
13 U.S.C. 1751).

14 (2) The summer food service program under
15 section 13 of the Richard B. Russell National School
16 Lunch Act (42 U.S.C. 1761).

17 (3) The child and adult care food program
18 under section 17 of the Richard B. Russell National
19 School Lunch Act (42 U.S.C. 1766).

20 (4) The school breakfast program under section
21 4 of the Child Nutrition Act of 1966 (42 U.S.C.
22 1773).

23 (5) The special milk program under section 3 of
24 the Child Nutrition Act of 1966 (42 U.S.C. 1772).

1 (6) The team nutrition network under section
2 19 of the Child Nutrition Act of 1966 (42 U.S.C.
3 1788).

4 (7) The farm to school program under section
5 18(g) of the Richard B. Russell National School
6 Lunch Act (42 U.S.C. 1769(g)).

7 (8) State administrative expenses under section
8 7 of the Child Nutrition Act of 1966 (42 U.S.C.
9 1776).

10 (9) Special assistance funds under section 11 of
11 the Richard B. Russell National School Lunch Act
12 (42 U.S.C. 1759a).

13 (10) The fresh fruit and vegetable program
14 under section 19 of the Richard B. Russell National
15 School Lunch Act (42 U.S.C. 1769a).

16 (11) The commodity distribution program
17 under section 14 of the Richard B. Russell National
18 School Lunch Act (42 U.S.C. 1762a).

19 (12) Nutrition promotion under section 5 of the
20 Richard B. Russell National School Lunch Act (42
21 U.S.C. 1754).

22 (13) State childhood hunger challenge grants
23 under section 24 of the Richard B. Russell National
24 School Lunch Act (42 U.S.C. 1769e).

1 **SEC. 6. EFFECTIVE DATE.**

2 This Act and the amendments and repeals made by
3 this Act shall take effect with respect to items and services
4 furnished on or after October 1, 2016.

