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
government has the best interests of children in
mind, and only the Federal Government is capable
of making wise nutrition decisions.
11 (3) Federal mandates on State and local gov-
12 ernments have reduced children’s willingness to eat
13 the food provided at schools, thus wasting taxpayer
14 money and leaving kids hungry.
(4) Detailed Federal standards remove parents and local leaders from the decisions surrounding children's nutrition. Parents already teach their children to make dietary decisions that reflect their unique needs.

(5) Congress should ensure that childhood nutrition subsidies respect local, parental, and student choices.

SEC. 3. PURPOSE.

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

(1) by striking "based on" and all that follows through "research,"

(2) by striking "these efforts" and all that follows through "a measure" and inserting "efforts";

and

(3) by striking "by assisting States, through grants-in-aid and other means," and inserting "are hereby reserved to the States,"

SEC. 4. GRANTS TO STATES FOR CHILD NUTRITION PROGRAMS.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—From the amounts appropriated under subsection (b), each State that meets the requirements of this Act shall receive from the
Secretary of Agriculture, for each of fiscal years 2017 through 2021, a grant to provide affordable nutritious meals to elementary and secondary school students in such State.

(2) ALLOTMENT.—From amounts described in paragraph (1) for a fiscal year, the Secretary of Agriculture shall allot to each State for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by elementary and secondary schools in the State for that fiscal year bears to the number of all such students served by elementary and secondary schools in all States for that fiscal year.

(b) APPROPRIATION.—There is authorized to be appropriated to carry out this section—

(1) $22,796,000,000 for fiscal year 2017;

(2) $23,742,000,000 for fiscal year 2018;

(3) $24,760,000,000 for fiscal year 2019;

(4) $25,839,000,000 for fiscal year 2020; and

(5) $26,969,000,000 for fiscal year 2021.

(c) EXPENDITURE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts received by a State under this Act for any fiscal year shall be expended by the
State in such fiscal year or in the succeeding fiscal year.

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

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

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

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

(d) LIMITED ROLE FOR SECRETARY OF AGRICULTURE.—The authority of the Secretary of Agriculture under this Act is limited to making quarterly payments to the States under grants under this Act in accordance with subsection (a).
(e) DEFINITIONS.—For purposes of this Act—

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

(2) the terms "elementary school", "secondary
school", and "State" have the meanings given these
terms in section 8101 of the Elementary and Sec-

SEC. 5. REPEALS.

The following shall be repealed:

(1) The school lunch program under the Rich-
ard B. Russell National School Lunch Act (42

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

(3) The child and adult care food program
under section 17 of the Richard B. Russell National

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

(5) The special milk program under section 3 of

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


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.