

Appendix A
WIC Farmer's Market Nutrition Act of 1992, Public Law
102-314

Public Law 102-314
102d Congress

An Act

July 2, 1992
[H.R. 3711]

WIC Farmers'
Market
Nutrition Act of
1992.
Women,
Children and
youth.
42 USC 1771
note.
42 USC 1786
note.

To authorize grants to be made to State programs designed to provide resources to persons who are nutritionally at risk in the form of fresh nutritious unprepared foods, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "WIC Farmers' Market Nutrition Act of 1992".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize grants to be made to State programs designed to—

(1) provide resources to women, infants, and children who are nutritionally at risk in the form of fresh nutritious unprepared foods (such as fruits and vegetables), from farmers' markets; and

(2) expand the awareness and use of farmers' markets and increase sales at such markets.

SEC. 3. WIC FARMERS' MARKET NUTRITION PROGRAM.

Subsection (m) of section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended to read as follows:

"(m)(1) Subject to the availability of funds appropriated for the purposes of this subsection, and as specified in this subsection, the Secretary shall award grants to States that submit State plans that are approved for the establishment or maintenance of programs designed to provide recipients of assistance under subsection (c), or those who are on the waiting list to receive the assistance, with coupons that may be exchanged for fresh, nutritious, unprepared foods at farmers' markets, as defined in the State plans submitted under this subsection.

"(2) A grant provided to any State under this subsection shall be provided to the chief executive officer of the State, who shall—

"(A) designate the appropriate State agency or agencies to administer the program in conjunction with the appropriate nonprofit organizations; and

"(B) ensure coordination of the program among the appropriate agencies and organizations.

"(3) The Secretary shall not make a grant to any State under this subsection unless the State agrees to provide State, local, or private funds for the program in an amount that is equal to not less than 30 percent of the total cost of the program, which may be satisfied from State contributions that are made for similar programs.

"(4) Subject to paragraph (6), the Secretary shall establish a formula for determining the amount of the grant to be awarded under this subsection to each State for which a State plan is approved under paragraph (6), according to the number of recipients

proposed to participate as specified in the State plan. In determining the amount to be awarded to new States, the Secretary shall rank order the State plans according to the criteria of operation set forth in this subsection, and award grants accordingly. The Secretary shall take into consideration the minimum amount needed to fund each approved State plan, and need not award grants to each State that submits a State plan.

"(5) Each State that receives a grant under this subsection shall ensure that the program for which the grant is received complies with the following requirements:

"(A) Individuals who are eligible to receive Federal benefits under the program shall only be individuals who are receiving assistance under subsection (c), or who are on the waiting list to receive the assistance.

"(B) Construction or operation of a farmers' market may not be carried out using funds—

"(i) provided under the grant; or

"(ii) required to be provided by the State under paragraph (3).

"(C) The value of the Federal share of the benefits received by any recipient under the program may not be—

"(i) less than \$10 per year; or

"(ii) more than \$20 per year.

"(D) The coupon issuance process under the program shall be designed to ensure that coupons are targeted to areas with—

"(i) the highest concentration of eligible individuals;

"(ii) the greatest access to farmers' markets; and

"(iii) certain characteristics, in addition to those described in clauses (i) and (ii), that are determined to be relevant by the Secretary and that maximize the availability of benefits to eligible individuals.

"(E) The coupon redemption process under the program shall be designed to ensure that the coupons may be—

"(i) redeemed only by producers authorized by the State to participate in the program; and

"(ii) redeemed only to purchase fresh nutritious unprepared food for human consumption.

"(F)(i) Except as provided in clauses (ii) and (iii), the State may use for administration of the program in any fiscal year not more than 15 percent of the total amount of program funds.

"(ii) During the first fiscal year for which a State receives assistance under this subsection, the Secretary shall permit the State to use 2 percent of the total program funds for administration of the program in addition to the amount the State is permitted to use under clause (i). During any fiscal year other than the first fiscal year for which a State receives assistance under this subsection, upon the showing by the State of financial need, the Secretary may permit the State to use not more than 2 percent of the total program funds for administration of the program in addition to the amount the State is permitted to use under clause (i).

"(iii) The provisions of clauses (i) and (ii) with respect to the use of program funds for the administration of the program shall not apply to any funds that a State may contribute in excess of the funds used by the State to meet the requirements of paragraph (3).

“(G) The State shall ensure that no State or local taxes are collected within the State on purchases of food with coupons distributed under the program.

“(6)(A) Each State that received assistance under the demonstration program authorized by this subsection in a fiscal year ending before October 1, 1991, shall receive assistance under this subsection if the State complies with the requirements established by this subsection, as determined by the Secretary.

“(B)(i) Subject to the availability of appropriations, if a State provides the amount of matching funds required under paragraph (3), the State shall receive assistance under this subsection in an amount that is not less than the amount of such assistance that the State received in the most recent fiscal year in which it received such assistance.

“(ii) If amounts appropriated for any fiscal year pursuant to the authorization contained in paragraph (10) for grants under this subsection are not sufficient to pay to each State for which a State plan is approved under paragraph (6) the amount that the Secretary determines each such State is entitled to under this subsection, each State’s grant shall be ratably reduced, except that (if sufficient funds are available) each State shall receive at least \$50,000 or the amount that the State received for the prior fiscal year if that amount is less than \$50,000.

“(C) In providing funds to serve additional recipients in a State that received assistance under this subsection in the previous fiscal year, the Secretary shall consider—

“(i) the availability of any such assistance not spent by the State during the program year for which the assistance was received;

“(ii) documentation that justifies the need for an increase in participation; and

“(iii) demonstrated ability to satisfactorily operate the existing program.

“(D)(i) A State that desires to receive a grant under this subsection shall submit, for each fiscal year, a State plan to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(ii) Each State plan submitted under this paragraph shall contain—

“(I) the estimated cost of the program and the estimated number of individuals to be served by the program;

“(II) a description of the State plan for complying with the requirements established in paragraph (5); and

“(III) criteria developed by the State with respect to authorization of producers to participate in the program.

“(iii) The criteria developed by the State as required by clause (ii)(III) shall require any authorized producer to sell fresh nutritious unprepared foods (such as fruits and vegetables) to recipients, in exchange for coupons distributed under the program.

“(E) The Secretary shall establish objective criteria for the approval and ranking of State plans submitted under this paragraph.

“(F) In approving and ranking State plans submitted under this paragraph, the Secretary shall—

“(i) favorably consider a State’s prior experiences with this or similar programs;

“(ii) favorably consider a State’s operation of a similar program with State or local funds that can present data concerning the value of the program;

“(iii) require that if a State receiving a grant under this section applies the Federal grant to a similar program operated in the previous fiscal year with State or local funds, the State shall not reduce in any fiscal year the amount of State and local funds available to the program in the preceding fiscal year after receiving funds for the program under this subsection;

“(iv) give preference to State plans that would serve areas in the State that have—

“(I) the highest concentration of eligible persons;

“(II) the greatest access to farmers’ markets;

“(III) broad geographical area;

“(IV) the greatest number of recipients in the broadest geographical area within the State; and

“(V) any other characteristics, as determined appropriate by the Secretary, that maximize the availability of benefits to eligible persons; and

“(v) take into consideration the amount of funds available and the minimum amount needed by each applicant State to successfully operate the program.

“(G)(i) An amount equal to 45 to 55 percent of the funds available after satisfying the requirements of subparagraph (B) shall be made available to States participating in the program that wish to serve additional recipients, and whose State plan to do so is approved by the Secretary. If this amount is greater than that necessary to satisfy the approved State plans for additional recipients, the unallocated amount shall be applied toward satisfying any unmet need of States that have not participated in the program in the prior fiscal year, and whose State plans have been approved.

“(ii) An amount equal to 45 to 55 percent of the funds available after satisfying the requirements of subparagraph (B) shall be made available to States that have not participated in the program in the prior fiscal year, and whose State plans have been approved by the Secretary. If this amount is greater than that necessary to satisfy the approved State plans for new States, the unallocated amount shall be applied toward satisfying any unmet need of States that desire to serve additional recipients, and whose State plans have been approved.

“(iii) In any fiscal year, any funds that remain unallocated after satisfying the requirements of clauses (i) and (ii) shall be reallocated in the following fiscal year according to procedures established pursuant to paragraph (10)(B)(ii).

“(7)(A) The value of the benefit received by any recipient under any program for which a grant is received under this subsection may not affect the eligibility or benefit levels for assistance under other Federal or State programs.

“(B) Any programs for which a grant is received under this subsection shall be supplementary to the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and to any other Federal or State program under which foods are distributed to needy families in lieu of food stamps.

“(8) For each fiscal year, the Secretary shall collect from each State that receives a grant under this subsection information relating to—

“(A) the number and type of recipients served by both Federal and non-Federal benefits under the program for which the grant is received;

“(B) the rate of redemption of coupons distributed under the program;

“(C) the average amount distributed in coupons to each recipient;

“(D) when practicable, the impact on the nutritional status of recipients by determining the change in consumption of fresh fruits and vegetables by recipients;

“(E) the effects of the program on the use of farmers’ markets and the marketing of agricultural products at such markets and when practicable, the effects of the program on recipients’ awareness regarding farmers’ markets; and

“(F) any other information determined to be necessary by the Secretary.

“(9)(A) The Secretary shall submit to the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a compilation of the information collected under paragraph (8).

“(B) The compilation required by subparagraph (A) shall be submitted on or before April 1, 1994.

Appropriation
authorization.

“(10)(A) There are authorized to be appropriated to carry out this subsection \$3,000,000 for fiscal year 1992, \$6,500,000 for fiscal year 1993, and \$8,000,000 for fiscal year 1994.

“(B)(i)(I) Except as provided in subclause (II), each State shall return to the Secretary any funds made available to the State that are unobligated at the end of the fiscal year for which the funds were originally allocated. The unexpended funds shall be returned to the Secretary by February 1st of the following fiscal year.

“(II) Notwithstanding any other provision of this subsection, a total of not more than 5 percent of funds made available to a State for any fiscal year may be expended by the State to reimburse expenses incurred for a program assisted under this subsection during the preceding fiscal year or may be retained by the State to reimburse expenses expected to be incurred for such a program during the succeeding fiscal year.

“(ii) The Secretary shall establish procedures to reallocate funds that are returned under clause (i). Funds that remain unexpended at the end of any demonstration project authorized by this subsection (as it existed on September 30, 1991) shall be reallocated in a similar manner.

“(11) For purposes of this subsection:

“(A) The term ‘coupon’ means a coupon, voucher, or other negotiable financial instrument by which benefits under this section are transferred.

“(B) The term ‘program’ means—

“(i) the State farmers’ market coupon nutrition program authorized by this subsection (as it existed on September 30, 1991); or

“(ii) the farmers’ market nutrition program authorized by this subsection.

“(C) The term ‘recipient’ means a person or household, as determined by the State, who is chosen by a State to receive

benefits under this subsection, or who is on a waiting list to receive such benefits.

“(D) The term ‘State agency’ has the meaning provided in subsection (b)(13), except that the term also includes the agriculture department of each State.”.

SEC. 4. EFFECTIVE DATE.

The amendment made by section 3 shall be effective as of October 1, 1991.

42 USC 1786
note.

Approved July 2, 1992.

LEGISLATIVE HISTORY—H.R. 3711:

HOUSE REPORTS: No. 102-540, Pt. 1 (Comm. on Education and Labor) and Pt. 2 (Comm. on Agriculture).

CONGRESSIONAL RECORD, Vol. 138 (1992):

June 22, considered and passed House.

June 23, considered and passed Senate.