

Public Law 103-448
103d Congress

An Act

To amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.

Nov. 2, 1994
[S. 1614]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Healthy Meals for Healthy Americans Act of 1994”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Sense of Congress.

TITLE I—AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

- Sec. 101. Purchase of fresh fruits and vegetables.
- Sec. 102. Delivery of commodities.
- Sec. 103. Requirement of minimum percentage of commodity assistance.
- Sec. 104. Combined Federal and State commodity purchases.
- Sec. 105. Technical assistance to ensure compliance with nutritional requirements.
- Sec. 106. Nutritional and other program requirements.
- Sec. 107. Nutritional requirements relating to provision of milk.
- Sec. 108. Use of free and reduced price meal eligibility information.
- Sec. 109. Automatic eligibility of Head Start participants.
- Sec. 110. Use of nutrition education and training program resources.
- Sec. 111. Special assistance for schools electing to serve all children free lunches or breakfasts.
- Sec. 112. Miscellaneous provisions and definitions.
- Sec. 113. Food and nutrition projects.
- Sec. 114. Summer food service program for children.
- Sec. 115. Commodity distribution program.
- Sec. 116. Child and adult care food program.
- Sec. 117. Homeless children nutrition program.
- Sec. 118. Pilot projects.
- Sec. 119. Reduction of paperwork.
- Sec. 120. Food service management institute.
- Sec. 121. Compliance and accountability.
- Sec. 122. Duties of the Secretary of Agriculture relating to nonprocurement debarment under certain child nutrition programs.
- Sec. 123. Information clearinghouse.
- Sec. 124. Guidance and grants for accommodating special dietary needs of children with disabilities.
- Sec. 125. Study of adulteration of juice products sold to school meal programs.

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

- Sec. 201. School breakfast program.
- Sec. 202. State administrative expenses.
- Sec. 203. Competitive foods of minimal nutritional value.
- Sec. 204. Special supplemental nutrition program.

Healthy Meals
for Healthy
Americans
Act of 1994.
Inter-
governmental
relations.
42 USC 1751
note.

Sec. 205. Nutrition education and training program.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Consolidation of school lunch program and school breakfast program into comprehensive meal program.

Sec. 302. Study and report relating to use of private food establishments and caterers under school lunch program and school breakfast program.

Sec. 303. Amendment to Commodity Distribution Reform Act and WIC Amendments of 1987.

Sec. 304. Study of the effect of combining federally donated and federally inspected meat or poultry.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

42 USC 1751
note.

SEC. 2. FINDINGS.

Congress finds that—

(1) undernutrition can permanently retard physical growth, brain development, and cognitive functioning of children;

(2) the longer a child's nutritional, emotional, and educational needs go unmet, the greater the likelihood of cognitive impairment;

(3) low-income children who attend school hungry score significantly lower on standardized tests than non-hungry low-income children; and

(4) supplemental nutrition programs under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) can help to offset threats posed to a child's capacity to learn and perform in school that result from inadequate nutrient intake.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) funds should be made available for child nutrition programs to remove barriers to the participation of needy children in the school lunch program, school breakfast program, summer food service program for children, and the child and adult care food program under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

(2) the Secretary of Agriculture should take actions to further strengthen the efficiency of child nutrition programs by streamlining administrative requirements to reduce the administrative burden on participating schools and other meal providers; and

(3) as a part of efforts to continue to serve nutritious meals to youths in the United States and to educate the general public regarding health and nutrition issues, the Secretary of Agriculture should take actions to coordinate the nutrition education efforts of all nutrition programs.

TITLE I—AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

SEC. 101. PURCHASE OF FRESH FRUITS AND VEGETABLES.

Section 6(a) of the National School Lunch Act (42 U.S.C. 1755(a)) is amended—

(1) in the second sentence, by striking "Any school" and inserting "Except as provided in the next 2 sentences, any school"; and

(2) by inserting after the second sentence the following new sentences: "Any school food authority may refuse some or all of the fresh fruits and vegetables offered to the school food authority in any school year and shall receive, in lieu of the offered fruits and vegetables, other more desirable fresh fruits and vegetables that are at least equal in value to the fresh fruits and vegetables refused by the school food authority. The value of any fresh fruits and vegetables refused by a school under the preceding sentence for a school year shall not be used to determine the 20 percent of the total value of agricultural commodities and other foods tendered to the school food authority in the school year under the second sentence."

SEC. 102. DELIVERY OF COMMODITIES.

Subsection (b) of section 6 of the National School Lunch Act (42 U.S.C. 1755(b)) is amended to read as follows:

"(b) The Secretary shall deliver, to each State participating in the school lunch program under this Act, commodities valued at the total level of assistance authorized under subsection (c) for each school year for the school lunch program in the State, not later than September 30 of the following school year."

SEC. 103. REQUIREMENT OF MINIMUM PERCENTAGE OF COMMODITY ASSISTANCE.

Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended by adding at the end the following new subsection:

"(g)(1) Subject to paragraph (2), in each school year the Secretary shall ensure that not less than 12 percent of the assistance provided under section 4, this section, and section 11 shall be in the form of commodity assistance provided under this section, including cash in lieu of commodities and administrative costs for procurement of commodities under this section.

"(2) If amounts available to carry out the requirements of the sections described in paragraph (1) are insufficient to meet the requirement contained in paragraph (1) for a school year, the Secretary shall, to the extent necessary, use the authority provided under section 14(a) to meet the requirement for the school year."

SEC. 104. COMBINED FEDERAL AND STATE COMMODITY PURCHASES.

Section 7 of the National School Lunch Act (42 U.S.C. 1756) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the Secretary may enter into an agreement with a State agency, acting on the request of a school food service authority, under which funds payable to the State under section 4 or 11 may be used by the Secretary for the purpose of purchasing commodities for use by the school food service authority in meals served under the school lunch program under this Act."

SEC. 105. TECHNICAL ASSISTANCE TO ENSURE COMPLIANCE WITH NUTRITIONAL REQUIREMENTS.

(a) **SCHOOL LUNCH PROGRAM.**—Section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:
 “(B) The Secretary shall provide technical assistance and training, including technical assistance and training in the preparation of lower-fat versions of foods commonly used in the school lunch program under this Act, to schools participating in the school lunch program to assist the schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A) and in providing appropriate meals to children with medically certified special dietary needs. The Secretary shall provide additional technical assistance to schools that are having difficulty maintaining compliance with the requirements.”.

(b) **SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.**—Section 13(f) of such Act (42 U.S.C. 1761(f)) is amended—

(1) by inserting after the first sentence the following new sentences: “The Secretary shall provide technical assistance to service institutions and private nonprofit organizations participating in the program to assist the institutions and organizations in complying with the nutritional requirements prescribed by the Secretary pursuant to this subsection. The Secretary shall provide additional technical assistance to those service institutions and private nonprofit organizations that are having difficulty maintaining compliance with the requirements.”; and

(2) in the fourth sentence (after the amendment made by paragraph (1)), by striking “Such meals” and inserting “Meals described in the first sentence”.

(c) **CHILD AND ADULT CARE FOOD PROGRAM.**—Section 17(g)(1) of such Act (42 U.S.C. 1766(g)(1)) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following new subparagraph:
 “(B) The Secretary shall provide technical assistance to those institutions participating in the program under this section to assist the institutions and family or group day care home sponsoring organizations in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A). The Secretary shall provide additional technical assistance to those institutions and family or group day care home sponsoring organizations that are having difficulty maintaining compliance with the requirements.”.

SEC. 106. NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS.

(a) **MINIMUM NUTRITIONAL REQUIREMENTS BASED ON WEEKLY AVERAGE OF NUTRIENT CONTENT OF SCHOOL LUNCHES.**—Section 9(a)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(a)(1)(A)) (as amended by section 105(a)) is further amended—

(1) by striking “; except that such minimum nutritional requirements shall not” and inserting “, except that the minimum nutritional requirements—

“(i) shall not”;

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

and

(3) by adding at the end the following new clause:

“(ii) shall, at a minimum, be based on the weekly average of the nutrient content of school lunches.”.

(b) **DIETARY GUIDELINES FOR AMERICANS.**—Section 9 of such Act (42 U.S.C. 1758) is amended by adding at the end the following new subsection:

“(f)(1) Not later than the first day of the 1996–97 school year, the Secretary, State educational agencies, schools, and school food service authorities shall, to the maximum extent practicable, inform students who participate in the school lunch and school breakfast programs, and parents and guardians of the students, of—

“(A) the nutritional content of the lunches and breakfasts that are served under the programs; and

“(B) the consistency of the lunches and breakfasts with the guidelines contained in the most recent ‘Dietary Guidelines for Americans’ that is published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341) (referred to in this subsection as the ‘Guidelines’), including the consistency of the lunches and breakfasts with the guideline for fat content.

“(2)(A) Except as provided in subparagraph (B), not later than the first day of the 1996–97 school year, schools that are participating in the school lunch or school breakfast program shall serve lunches and breakfasts under the programs that are consistent with the Guidelines (as measured in accordance with subsection (a)(1)(A)(ii) and section 4(e)(1)).

“(B) State educational agencies may grant waivers from the requirements of subparagraph (A) subject to criteria established by the appropriate State educational agency. The waivers shall not permit schools to implement the requirements later than July 1, 1998, or a later date determined by the Secretary.

“(C) To assist schools in meeting the requirements of this paragraph, the Secretary—

“(i) shall—

“(I) develop, and provide to schools, standardized recipes, menu cycles, and food product specification and preparation techniques; and

“(II) provide to schools information regarding nutrient standard menu planning, assisted nutrient standard menu planning, and food-based menu systems; and

“(ii) may provide to schools information regarding other approaches, as determined by the Secretary.

“(D) Schools may use any of the approaches described in subparagraph (C) to meet the requirements of this paragraph. In the case of schools that elect to use food-based menu systems to meet the requirements of this paragraph, the Secretary may not require the schools to conduct or use nutrient analysis.”

(c) PRODUCTION RECORDS.—Section 9 of such Act (42 U.S.C. 1758) (as amended by subsection (b)) is further amended by adding at the end the following new subsection:

“(g) Not later than 1 year after the date of enactment of this subsection, the Secretary shall provide a notification to Congress that justifies the need for production records required under section 210.10(b) of title 7, Code of Federal Regulations, and describes how the Secretary has reduced paperwork relating to the school lunch and school breakfast programs.”

Notification.

SEC. 107. NUTRITIONAL REQUIREMENTS RELATING TO PROVISION OF MILK.

Section 9(a)(2) of the National School Lunch Act (42 U.S.C. 1758(a)(2)) is amended to read as follows:

“(2)(A) Lunches served by schools participating in the school lunch program under this Act—

“(i) shall offer students fluid milk; and

“(ii) shall offer students a variety of fluid milk consistent with prior year preferences unless the prior year preference for any such variety of fluid milk is less than 1 percent of the total milk consumed at the school.

“(B)(i) The Secretary shall purchase in each calendar year to carry out the school lunch program under this Act, and the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), lowfat cheese on a bid basis in a quantity that is the milkfat equivalent of the quantity of milkfat the Secretary estimates the Commodity Credit Corporation will purchase each calendar year as a result of the elimination of the requirement that schools offer students fluid whole milk and fluid unflavored lowfat milk, based on data provided by the Director of Office of Management and Budget.

Reports.

“(ii) Not later than 30 days after the Secretary provides an estimate required under clause (i), the Director of the Congressional Budget Office shall provide to the appropriate committees of Congress a report on whether the Director concurs with the estimate of the Secretary.

“(iii) The quantity of lowfat cheese that is purchased under this subparagraph shall be in addition to the quantity of cheese that is historically purchased by the Secretary to carry out school feeding programs. The Secretary shall take such actions as are necessary to ensure that purchases under this subparagraph shall not displace commercial purchases of cheese by schools.”

SEC. 108. USE OF FREE AND REDUCED PRICE MEAL ELIGIBILITY INFORMATION.

Section 9(b)(2)(C) of the National School Lunch Act (42 U.S.C. 1758(b)(2)(C)) is amended by striking clause (iii) and inserting the following new clauses:

“(iii) The use or disclosure of any information obtained from an application for free or reduced price meals, or from a State or local agency referred to in clause (ii), shall be limited to—

“(I) a person directly connected with the administration or enforcement of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or a regulation issued pursuant to either Act;

“(II) a person directly connected with the administration or enforcement of—

“(aa) a Federal education program;

“(bb) a State health or education program administered by the State or local educational agency (other than a program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)); or

“(cc) a Federal, State, or local means-tested nutrition program with eligibility standards comparable to the program under this section; and

“(III)(aa) the Comptroller General of the United States for audit and examination authorized by any other provision of law; and

“(bb) notwithstanding any other provision of law, a Federal, State, or local law enforcement official for the purpose of investigating an alleged violation of any program covered by paragraph (1) or this paragraph.

“(iv) Information provided under clause (iii)(II) shall be limited to the income eligibility status of the child for whom application for free or reduced price meal benefits was made or for whom eligibility information was provided under clause (ii), unless the consent of the parent or guardian of the child for whom application for benefits was made is obtained.

“(v) A person described in clause (iii) who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (including a regulation), any information obtained under this subsection shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.”

SEC. 109. AUTOMATIC ELIGIBILITY OF HEAD START PARTICIPANTS.

(a) **IN GENERAL.**—Section 9(b)(6) of the National School Lunch Act (42 U.S.C. 1758(b)(6)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “a member of”;

(B) in clause (i)—

(i) by inserting “a member of” after “(i)”; and

(ii) by striking “or” at the end;

(C) in clause (ii)—

(i) by inserting “a member of” after “(ii)”; and

(ii) by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following new clause:

“(iii) enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).”;

(2) in subparagraph (B), by striking “food stamps or aid to families with dependent children” and inserting “food stamps or aid to families with dependent children, or of enrollment or participation in a Head Start program on the basis described in subparagraph (A)(iii).”

(b) **CHILD AND ADULT CARE FOOD PROGRAM.**—Section 17(c) of such Act (42 U.S.C. 1766(c)) is amended by adding at the end the following new paragraph:

“(5) A child shall be considered automatically eligible for benefits under this section without further application or eligibility determination, if the child is enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall become effective on September 25, 1995.

42 USC 1758
note.

SEC. 110. USE OF NUTRITION EDUCATION AND TRAINING PROGRAM RESOURCES.

Section 9 of the National School Lunch Act (42 U.S.C. 1758) (as amended by section 106(c)) is further amended by adding at the end the following new subsection:

“(h) In carrying out this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), a State educational agency may

use resources provided through the nutrition education and training program authorized under section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) for training aimed at improving the quality and acceptance of school meals.”.

SEC. 111. SPECIAL ASSISTANCE FOR SCHOOLS ELECTING TO SERVE ALL CHILDREN FREE LUNCHES OR BREAKFASTS.

Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

(1) by inserting “(A)” after “(1)”;

(2) in the second sentence, by striking “In the case of” and inserting the following:
 “(B) Except as provided in subparagraph (C), (D), or (E), in the case of”; and

(3) by striking the third and fourth sentences and inserting the following new subparagraphs:

“(C)(i) Except as provided in subparagraph (D), in the case of any school that—

“(I) elects to serve all children in the school free lunches under the school lunch program during any period of 3 successive school years, or in the case of a school that serves both lunches and breakfasts, elects to serve all children in the school free lunches and free breakfasts under the school lunch program and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) during any period of 3 successive school years; and

“(II) pays, from sources other than Federal funds, for the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during the period;

special assistance payments shall be paid to the State educational agency with respect to the school during the period on the basis of the number of lunches or breakfasts determined under clause (ii) or (iii).

“(ii) For purposes of making special assistance payments under clause (i), except as provided in clause (iii), the number of lunches or breakfasts served by a school to children who are eligible for free lunches or breakfasts or reduced price lunches or breakfasts during each school year of the 3-school-year period shall be considered to be equal to the number of lunches or breakfasts served by the school to children eligible for free lunches or breakfasts or reduced price lunches or breakfasts during the first school year of the period.

“(iii) For purposes of computing the amount of the payments, a school may elect to determine on a more frequent basis the number of children who are eligible for free or reduced price lunches or breakfasts who are served lunches or breakfasts during the 3-school-year period.

“(D)(i) In the case of any school that, on the date of enactment of this subparagraph, is receiving special assistance payments under this paragraph for a 3-school-year period described in subparagraph (C), the State may grant, at the end of the 3-school-year period, an extension of the period for an additional 2 school years, if the State determines, through available socioeconomic data

approved by the Secretary, that the income level of the population of the school has remained stable.

“(ii) A school described in clause (i) may reapply to the State at the end of the 2-school-year period described in clause (i) for the purpose of continuing to receive special assistance payments, as determined in accordance with this paragraph, for a subsequent 5-school-year period. The school may reapply to the State at the end of the 5-school-year period, and at the end of each 5-school-year period thereafter for which the school receives special assistance payments under this paragraph, for the purpose of continuing to receive the payments for a subsequent 5-school-year period.

“(iii) If the Secretary determines after considering the best available socioeconomic data that the income level of families of children enrolled in a school has not remained stable, the Secretary may require the submission of applications for free and reduced price lunches, or for free and reduced price lunches and breakfasts, in the first school year of any 5-school-year period for which the school receives special assistance payments under this paragraph, for the purpose of calculating the special assistance payments.

“(iv) For the purpose of updating information and reimbursement levels, a school described in clause (i) that carries out a school lunch or school breakfast program may at any time require submission of applications for free and reduced price lunches or for free and reduced price lunches and breakfasts.

“(E)(i) In the case of any school that—

“(I) elects to serve all children in the school free lunches under the school lunch program during any period of 4 successive school years, or in the case of a school that serves both lunches and breakfasts, elects to serve all children in the school free lunches and free breakfasts under the school lunch program and the school breakfast program during any period of 4 successive school years; and

“(II) pays, from sources other than Federal funds, for the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during the period;

total Federal cash reimbursements and total commodity assistance shall be provided to the State educational agency with respect to the school at a level that is equal to the total Federal cash reimbursements and total commodity assistance received by the school in the last school year for which the school accepted applications under the school lunch or school breakfast program, adjusted annually for inflation in accordance with paragraph (3)(B) and for changes in enrollment, to carry out the school lunch or school breakfast program.

“(ii) A school described in clause (i) may reapply to the State at the end of the 4-school-year period described in clause (i), and at the end of each 4-school-year period thereafter for which the school receives reimbursements and assistance under this subparagraph, for the purpose of continuing to receive the reimbursements and assistance for a subsequent 4-school-year period. The State may approve an application under this clause if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained consistent with the income level of the population of

the school in the last school year for which the school accepted the applications described in clause (i).

“(iii) Not later than 1 year after the date of enactment of this subparagraph, the Secretary shall evaluate the effects of this subparagraph and notify the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the results of the evaluation.”

SEC. 112. MISCELLANEOUS PROVISIONS AND DEFINITIONS.

(a) TECHNICAL AMENDMENT TO DEFINITION OF SCHOOL.—

(1) IN GENERAL.—Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended—

(A) in the first sentence—

(i) in clause (A), by inserting “and” at the end;
(ii) in clause (B), by striking “, and” and inserting a period; and

(iii) by striking clause (C); and

(B) in the second sentence, by striking “of clauses (A) and (B)”.

(2) EFFECTIVE DATE.—The amendments made by paragraph

(1) shall become effective on October 1, 1995.

(b) REIMBURSEMENT FOR MEALS, SUPPLEMENTS, AND MILK UNDER CERTAIN PROGRAMS CONTINGENT ON TIMELY SUBMISSION OF CLAIMS AND FINAL PROGRAM OPERATIONS REPORT.—Section 12 of such Act (42 U.S.C. 1760) is amended by adding at the end the following new subsection:

“(j)(1) Except as provided in paragraph (2), the Secretary may provide reimbursements for final claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, family day care homes, institutions, and service institutions only if—

“(A) the claims have been submitted to the State agencies not later than 60 days after the last day of the month for which the reimbursement is claimed; and

“(B) the final program operations report for the month is submitted to the Secretary not later than 90 days after the last day of the month.

“(2) The Secretary may waive the requirements of paragraph (1) at the discretion of the Secretary.”

(c) EXPEDITED RULEMAKING.—Section 12 of such Act (42 U.S.C. 1760) (as amended by subsection (b)) is further amended by adding at the end the following new subsection:

“(k)(1) Prior to the publication of final regulations that implement changes that are intended to bring the meal pattern requirements of the school lunch and breakfast programs into conformance with the guidelines contained in the most recent ‘Dietary Guidelines for Americans’ that is published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341) (referred to in this subsection as the ‘Guidelines’), the Secretary shall issue proposed regulations permitting the use of food-based menu systems.

“(2) Notwithstanding chapter 5 of title 5, United States Code, not later than 45 days after the publication of the proposed regulations permitting the use of food-based menu systems, the Secretary shall publish notice in the Federal Register of, and hold, a public meeting with—

42 USC 1760
note.

Federal
Register,
publication.

“(A) representatives of affected parties, such as Federal, State, and local administrators, school food service administrators, other school food service personnel, parents, and teachers; and

“(B) organizations representing affected parties, such as public interest antihunger organizations, doctors specializing in pediatric nutrition, health and consumer groups, commodity groups, food manufacturers and vendors, and nutritionists involved with the implementation and operation of programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

to discuss and obtain public comments on the proposed rule.

“(3) Not later than June 1, 1995, the Secretary shall issue final regulations to conform the nutritional requirements of the school lunch and breakfast programs with the Guidelines. The final regulations shall include—

“(A) rules permitting the use of food-based menu systems; and

“(B) adjustments to the rule on nutrition objectives for school meals published in the Federal Register on June 10, 1994 (59 Fed. Reg. 30218).

“(4) No school food service authority shall be required to implement final regulations issued pursuant to this subsection until the regulations have been final for at least 1 year.

“(5) The final regulations shall reflect comments made at each phase of the proposed rulemaking process, including the public meeting required under paragraph (2).”.

(d) **AUTHORITY OF SECRETARY TO WAIVE STATUTORY AND REGULATORY REQUIREMENTS.**—Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by subsection (c)) is further amended by adding at the end the following new subsection:

“(1)(1)(A) Except as provided in paragraph (4), the Secretary may waive any requirement under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or any regulation issued under either such Act, for a State or eligible service provider that requests a waiver if—

“(i) the Secretary determines that the waiver of the requirement would facilitate the ability of the State or eligible service provider to carry out the purpose of the program;

“(ii) the State or eligible service provider has provided notice and information to the public regarding the proposed waiver; and

“(iii) the State or eligible service provider demonstrates to the satisfaction of the Secretary that the waiver will not increase the overall cost of the program to the Federal Government, and, if the waiver does increase the overall cost to the Federal Government, the cost will be paid from non-Federal funds.

“(B) The notice and information referred to in subparagraph (A)(ii) shall be provided in the same manner in which the State or eligible service provider customarily provides similar notices and information to the public.

“(2)(A) To request a waiver under paragraph (1), a State or eligible service provider (through the appropriate administering State agency) shall submit an application to the Secretary that—

“(i) identifies the statutory or regulatory requirements that are requested to be waived;

“(ii) in the case of a State requesting a waiver, describes actions, if any, that the State has undertaken to remove State statutory or regulatory barriers;

“(iii) describes the goal of the waiver to improve services under the program and the expected outcomes if the waiver is granted;

“(iv) includes a description of the impediments to the efficient operation and administration of the program;

“(v) describes the management goals to be achieved, such as fewer hours devoted to, or fewer number of personnel involved in, the administration of the program;

“(vi) provides a timetable for implementing the waiver; and

“(vii) describes the process the State or eligible service provider will use to monitor the progress in implementing the waiver, including the process for monitoring the cost implications of the waiver to the Federal Government.

“(B) An application described in subparagraph (A) shall be developed by the State or eligible service provider and shall be submitted to the Secretary by the State.

“(3)(A) The Secretary shall act promptly on a waiver request contained in an application submitted under paragraph (2) and shall either grant or deny the request. The Secretary shall state in writing the reasons for granting or denying the request.

“(B) If the Secretary grants a waiver request, the Secretary shall state in writing the expected outcome of granting the waiver.

“(C) The result of the decision of the Secretary shall be disseminated by the State or eligible service provider through normal means of communication.

“(D)(i) Except as provided in clause (ii), a waiver granted by the Secretary under this subsection shall be for a period not to exceed 3 years.

“(ii) The Secretary may extend the period if the Secretary determines that the waiver has been effective in enabling the State or eligible service provider to carry out the purposes of the program.

“(4) The Secretary may not grant a waiver under this subsection of any requirement relating to—

“(A) the nutritional content of meals served;

“(B) Federal reimbursement rates;

“(C) the provision of free and reduced price meals;

“(D) offer versus serve provisions;

“(E) limits on the price charged for a reduced price meal;

“(F) maintenance of effort;

“(G) equitable participation of children in private schools;

“(H) distribution of funds to State and local school food service authorities and service institutions participating in a program under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(I) the disclosure of information relating to students receiving free or reduced price meals and other recipients of benefits;

“(J) prohibiting the operation of a profit producing program;

“(K) the sale of competitive foods;

“(L) the commodity distribution program under section 14;

“(M) the special supplemental nutrition program authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

“(N) enforcement of any constitutional or statutory right of an individual, including any right under—

“(i) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

“(ii) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

“(iii) title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.);

“(iv) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);

“(v) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

“(vi) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

“(5) The Secretary shall periodically review the performance of any State or eligible service provider for which the Secretary has granted a waiver under this subsection and shall terminate the waiver if the performance of the State or service provider has been inadequate to justify a continuation of the waiver. The Secretary shall terminate the waiver if, after periodic review, the Secretary determines that the waiver has resulted in an increase in the overall cost of the program to the Federal Government and the increase has not been paid for in accordance with paragraph (1)(A)(iii).

“(6)(A)(i) An eligible service provider that receives a waiver under this subsection shall annually submit to the State a report that—

Reports.

“(I) describes the use of the waiver by the eligible service provider; and

“(II) evaluates how the waiver contributed to improved services to children served by the program for which the waiver was requested.

“(ii) The State shall annually submit to the Secretary a report that summarizes all reports received by the State from eligible service providers.

“(B) The Secretary shall annually submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report—

“(i) summarizing the use of waivers by the State and eligible service providers;

“(ii) describing whether the waivers resulted in improved services to children;

“(iii) describing the impact of the waivers on providing nutritional meals to participants; and

“(iv) describing how the waivers reduced the quantity of paperwork necessary to administer the program.

“(7) As used in this subsection, the term ‘eligible service provider’ means—

“(A) a local school food service authority;

“(B) a service institution or private nonprofit organization described in section 13; or

“(C) a family or group day care home sponsoring organization described in section 17.”.

SEC. 113. FOOD AND NUTRITION PROJECTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 112(d)) is further amended by adding at the end the following new subsection:

Grants.

“(m)(1) The Secretary, acting through the Administrator of the Food and Nutrition Service or through the Extension Service, shall award on an annual basis grants to a private nonprofit organization or educational institution in each of 3 States to create, operate, and demonstrate food and nutrition projects that are fully integrated with elementary school curricula.

“(2) Each organization or institution referred to in paragraph (1) shall be selected by the Secretary and shall—

“(A) assist local schools and educators in offering food and nutrition education that integrates math, science, and verbal skills in the elementary grades;

“(B) assist local schools and educators in teaching agricultural practices through practical applications, like gardening;

“(C) create community service learning opportunities or educational programs;

“(D) be experienced in assisting in the creation of curriculum-based models in elementary schools;

“(E) be sponsored by an organization or institution, or be an organization or institution, that provides information, or conducts other educational efforts, concerning the success and productivity of American agriculture and the importance of the free enterprise system to the quality of life in the United States; and

“(F) be able to provide model curricula, examples, advice, and guidance to schools, community groups, States, and local organizations regarding means of carrying out similar projects.

“(3) Subject to the availability of appropriations to carry out this subsection, the Secretary shall make grants to each of the 3 private organizations or institutions selected under this subsection in amounts of not less than \$100,000, nor more than \$200,000, for each of fiscal years 1995 through 1998.

“(4) The Secretary shall establish fair and reasonable auditing procedures regarding the expenditure of funds under this subsection.

Appropriation authorization.

“(5) There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 1995 through 1998.”

SEC. 114. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) **PRIORITY REQUIREMENTS FOR DETERMINING PARTICIPATION OF CERTAIN ELIGIBLE SERVICE INSTITUTIONS.**—Section 13(a)(4) of the National School Lunch Act (42 U.S.C. 1761(a)(4)) is amended by striking subparagraphs (A) through (F) and inserting the following new subparagraphs:

“(A) Local schools.

“(B) All other service institutions and private nonprofit organizations eligible under paragraph (7) that have demonstrated successful program performance in a prior year.

“(C) New public institutions.

“(D) New private nonprofit organizations eligible under paragraph (7).”

(b) **ELIMINATION OF 1-YEAR WAITING PERIOD WITH RESPECT TO PARTICIPATION OF PRIVATE NONPROFIT ORGANIZATIONS IN CER-**

TAIN AREAS UNDER THE PROGRAM.—Section 13(a)(7) of such Act (42 U.S.C. 1761(a)(7)) is amended by striking subparagraph (C).

(c) NON-SCHOOL SITES.—Section 13(c)(1) of such Act (42 U.S.C. 1761(c)(1)) is amended by inserting before the period at the end the following: “or that provide meal service at non-school sites to children who are not in school for a period during the months of October through April due to a natural disaster, building repair, court order, or similar cause”.

(d) REGISTERED FOOD SERVICE MANAGEMENT COMPANY REPORTS.—Section 13(l)(3) of such Act (42 U.S.C. 1761(l)(3)) is amended by striking “and their program record” and inserting “that have been seriously deficient in their participation in the program and may maintain a record of other registered food service management companies.”.

(e) MANAGEMENT AND ADMINISTRATION PLAN.—Section 13(n) of such Act (42 U.S.C. 1761(n)) is amended—

(1) by striking paragraphs (5), (6), (8), and (10); and

(2) by redesignating paragraphs (7), (9), and (11) as paragraphs (5), (6), and (7), respectively;

(3) by inserting “and” after the semicolon at the end of paragraph (6) (as so redesignated); and

(4) by striking “; and (12)” and all that follows through “reimbursement”.

(f) ELIMINATION OF WARNING IN PRIVATE NONPROFIT ORGANIZATION APPLICATION RELATING TO CRIMINAL PROVISIONS AND RELATED MATTERS.—Section 13(q) of such Act (42 U.S.C. 1761(q)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(3) in paragraph (3) (as so redesignated), by striking “paragraphs (1) and (3)” and inserting “paragraphs (1) and (2)”.

(g) EXTENSION OF PROGRAM.—Section 13(r) of such Act (42 U.S.C. 1761(r)) is amended by striking “1994” and inserting “1998”.

(h) ALL-DAY ACTIVITIES.—The Secretary of Agriculture shall—

(1) not later than 180 days after the date of enactment of this Act, in consultation with the heads of other Federal agencies, identify sources of Federal funds that may be available from other Federal agencies for service institutions under the summer food service program for children established under section 13 of the National School Lunch Act (42 U.S.C. 1761) to carry out all-day educational and recreational activities for children at feeding sites under the program; and

(2) notify through State agencies, as determined appropriate by the Secretary, the service institutions of the sources.

42 USC 1761
note.

Notification.

SEC. 115. COMMODITY DISTRIBUTION PROGRAM.

Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended—

(1) in subsection (a), by striking “1994” and inserting “1998”; and

(2) in subsection (b)—

(A) by inserting “(1)” after “(b)”; and

(B) by adding at the end the following new paragraphs:

“(2) The Secretary shall maintain and continue to improve the overall nutritional quality of entitlement commodities provided

to schools to assist the schools in improving the nutritional content of meals.

“(3) The Secretary shall—

“(A) require that nutritional content information labels be placed on packages or shipments of entitlement commodities provided to the schools; or

“(B) otherwise provide nutritional content information regarding the commodities provided to the schools.”.

SEC. 116. CHILD AND ADULT CARE FOOD PROGRAM.

(a) **AUTOMATIC ELIGIBILITY OF CERTAIN EVEN START PARTICIPANTS.**—Section 17(c) of the National School Lunch Act (42 U.S.C. 1766(c)) (as amended by section 109(b)) is further amended by adding at the end the following new paragraph:

“(6)(A) A child who has not yet entered kindergarten shall be considered automatically eligible for benefits under this section without further application or eligibility determination if the child is enrolled as a participant in the Even Start program under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.).

“(B) Subparagraph (A) shall apply only with respect to the provision of benefits under this section for the period beginning September 1, 1995, and ending September 30, 1997.”.

(b) **REAPPLICATION FOR ASSISTANCE AT 3-YEAR INTERVALS.**—Section 17(d)(2)(A) of such Act (42 U.S.C. 1766(d)(2)(A)) is amended by striking “2-year intervals” and inserting “3-year intervals”.

(c) **USE OF ADMINISTRATIVE FUNDS TO CONDUCT OUTREACH AND RECRUITMENT TO UNLICENSED DAY CARE HOMES.**—Section 17(f)(3)(C) of such Act (42 U.S.C. 1766(f)(3)(C)) is amended—

(1) by inserting “(i)” after “(C)”; and

(2) by adding at the end the following new clause:

“(ii) Funds for administrative expenses may be used by family or group day care home sponsoring organizations to conduct outreach and recruitment to unlicensed family or group day care homes so that the day care homes may become licensed.”.

(d) **INFORMATION AND TRAINING CONCERNING CHILD HEALTH AND DEVELOPMENT.**—Section 17(k) of such Act (42 U.S.C. 1766(k)) is amended by adding at the end the following new paragraph:

“(4) The Secretary shall instruct States to provide, through sponsoring organizations, information and training concerning child health and development to family or group day care homes participating in the program.”.

(e) **EXTENSION OF STATEWIDE DEMONSTRATION PROJECTS.**—Section 17(p) of such Act (42 U.S.C. 1766(p)) is amended—

(1) in paragraph (1)(A), by striking “25 percent of the children served by such organization” and inserting “25 percent of the children enrolled in the organization or 25 percent of the licensed capacity of the organization for children, whichever is less.”;

(2) in paragraph (4)(B), by striking “1992” and inserting “1998”; and

(3) in paragraph (5), by striking “1994” and inserting “1998”.

(f) **WIC INFORMATION.**—Section 17 of such Act (42 U.S.C. 1766) is amended by adding at the end the following new subsection:

“(q)(1) The Secretary shall provide State agencies with basic information concerning the importance and benefits of the special

supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

“(2) The State agency shall—

“(A) provide each child care institution participating in the program established under this section, other than institutions providing day care outside school hours for schoolchildren, with materials that include—

“(i) a basic explanation of the benefits and importance of the special supplemental nutrition program for women, infants, and children;

“(ii) the maximum income limits, according to family size, applicable to children up to age 5 in the State under the special supplemental nutrition program for women, infants, and children; and

“(iii) a listing of the addresses and phone numbers of offices at which parents may apply;

“(B) annually provide the institutions with an update of the information on income limits described in subparagraph (A)(ii); and

“(C) ensure that, at least once a year, the institutions to which subparagraph (A) applies provide written information to parents that includes—

“(i) basic information on the benefits provided under the special supplemental nutrition program for women, infants, and children;

“(ii) information on the maximum income limits, according to family size, applicable to the program; and

“(iii) information on where parents may apply to participate in the program.”

SEC. 117. HOMELESS CHILDREN NUTRITION PROGRAM.

(a) HOMELESS CHILDREN NUTRITION PROGRAM.—

(1) IN GENERAL.—The National School Lunch Act is amended by inserting after section 17A (42 U.S.C. 1766a) the following new section:

“SEC. 17B. HOMELESS CHILDREN NUTRITION PROGRAM.

42 USC 1766b.

“(a) IN GENERAL.—The Secretary shall conduct projects designed to provide food service throughout the year to homeless children under the age of 6 in emergency shelters.

“(b) AGREEMENTS TO PARTICIPATE IN PROJECTS.—

“(1) IN GENERAL.—The Secretary shall enter into agreements with State, city, local, or county governments, other public entities, or private nonprofit organizations to participate in the projects conducted under this section.

“(2) ELIGIBILITY REQUIREMENTS.—The Secretary shall establish eligibility requirements for the entities described in paragraph (1) that desire to participate in the projects conducted under this section. The requirements shall include the following:

“(A) Each private nonprofit organization shall operate not more than 5 food service sites under the project and shall serve not more than 300 homeless children at each such site.

“(B) Each site operated by each such organization shall meet applicable State and local health, safety, and sanitation standards.

“(c) PROJECT REQUIREMENTS.—

“(1) IN GENERAL.—A project conducted under this section shall—

“(A) use the same meal patterns and receive reimbursement payments for meals and supplements at the same rates provided to child care centers participating in the child care food program under section 17 for free meals and supplements; and

“(B) receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the sponsor of any such project.

“(2) MODIFICATION.—The Secretary may modify the meal pattern requirements to take into account the needs of infants.

“(3) HOMELESS CHILDREN ELIGIBLE FOR FREE MEALS WITHOUT APPLICATION.—Homeless children under the age of 6 in emergency shelters shall be considered eligible for free meals without application.

“(d) FUNDING PRIORITIES.—From the amount described in subsection (g), the Secretary shall provide funding for projects carried out under this section for a particular fiscal year (referred to in this subsection as the ‘current fiscal year’) in the following order of priority, to the maximum extent practicable:

“(1) The Secretary shall first provide the funding to entities and organizations, each of which—

“(A) received funding under this section or section 18(c) (as in effect on the day before the date of enactment of this section) to carry out a project for the preceding fiscal year; and

“(B) is eligible to receive funding under this section to carry out the project for the current fiscal year; to enable the entity or organization to carry out the project under this section for the current fiscal year at the level of service provided by the project during the preceding fiscal year.

“(2) From the portion of the amount that remains after the application of paragraph (1), the Secretary shall provide funds to entities and organizations, each of which is eligible to receive funding under this section, to enable the entity or organization to carry out a new project under this section for the current fiscal year, or to expand the level of service provided by a project for the current fiscal year over the level provided by the project during the preceding fiscal year.

“(e) NOTICE.—The Secretary shall advise each State of the availability of the projects conducted under this subsection for States, cities, counties, local governments, and other public entities, and shall advise each State of the procedures for applying to participate in the project.

“(f) PLAN TO ALLOW PARTICIPATION IN THE CHILD AND ADULT CARE FOOD PROGRAM.—Not later than September 30, 1996, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan describing—

“(1) how emergency shelters and homeless children who have not attained the age of 6 and who are served by the shelters under the program might participate in the child and adult care food program authorized under section 17 by September 30, 1998; and

“(2) the advantages and disadvantages of the action described in paragraph (1).

“(g) FUNDING.—

“(1) IN GENERAL.—In addition to any amounts made available under section 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)(I)) and any amounts that are otherwise made available for fiscal year 1995, out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this section \$1,800,000 for fiscal year 1995, \$2,600,000 for fiscal year 1996, \$3,100,000 for fiscal year 1997, \$3,400,000 for fiscal year 1998, and \$3,700,000 for fiscal year 1999 and each succeeding fiscal year. The Secretary shall be entitled to receive the funds and shall accept the funds.

“(2) INSUFFICIENT NUMBER OF APPLICANTS.—The Secretary may expend less than the amount described in paragraph (1) for a fiscal year if there is an insufficient number of suitable applicants to carry out projects under this section for the fiscal year. Any funds made available under this subsection to carry out the projects for a fiscal year that are not obligated to carry out the projects in the fiscal year shall remain available until expended for purposes of carrying out the projects.

“(h) DEFINITION OF EMERGENCY SHELTER.—As used in this section, the term ‘emergency shelter’ has the meaning provided the term in section 321(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11351(2)).”.

(2) CONFORMING AMENDMENTS.—

(A) NATIONAL SCHOOL LUNCH ACT.—Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (c).

(B) CHILD NUTRITION ACT OF 1966.—Section 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)(I)) is amended—

(i) by striking “projects under section 18(c) of the National School Lunch Act (42 U.S.C. 1769(c))” and inserting “projects under section 17B of the National School Lunch Act”; and

(ii) by striking “each of fiscal years 1993 and 1994” each place it appears and inserting “fiscal year 1995 and each subsequent fiscal year”.

(b) DEMONSTRATION PROGRAM FOR THE PREVENTION OF BOARDER BABIES.—Section 18 of the National School Lunch Act (42 U.S.C. 1769(c)) (as amended by subsection (a)(2)(A)) is further amended by inserting after subsection (b) the following new subsection:

“(c)(1) Using the funds provided under paragraph (7), the Secretary shall conduct at least 1 demonstration project through a participating entity during each of fiscal years 1995 through 1998 that is designed to provide food and nutrition services throughout the year to—

“(A) homeless pregnant women; and

“(B) homeless mothers or guardians of infants, and the children of the mothers and guardians.

“(2) To be eligible to obtain funds under this subsection, a homeless shelter, a transitional housing organization, or another entity that provides or will provide temporary housing for individ-

Homeless.
Women.

uals described in paragraph (1) shall (in accordance with guidelines established by the Secretary)—

“(A) submit to the Secretary a proposal to provide food and nutrition services, including a plan for coordinating the services with services provided under the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

“(B) receive the approval of the Secretary for the proposal;

“(C) be located in an urban area that has—

“(i) a significant population of boarder babies;

“(ii) a very high rate of mortality for children under 1 year of age; or

“(iii) a significant population of homeless pregnant women and homeless women with infants; as determined by the Secretary; and

“(D) be able to coordinate services provided under this subsection with the services provided by the local government and with other programs that may assist the participants receiving services under this subsection.

“(3) Food and nutrition services funded under this subsection—

“(A) may include—

“(i) meals, supplements, and other food;

“(ii) nutrition education;

“(iii) nutrition assessments;

“(iv) referrals to—

“(I) the special supplemental nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786);

“(II) the medical assistance program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

“(III) the food stamp program established under section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013); and

“(IV) other public or private programs and services;

“(v) activities related to the services described in any of clauses (i) through (iv); and

“(vi) administrative activities related to the services described in any of clauses (i) through (v); and

“(B) may not include the construction, purchase, or rental of real property.

“(4)(A) A participating entity shall—

“(i) use the same meal patterns, and receive reimbursement payments for meals and supplements at the same rates, as apply to child care centers participating in the child care food program under section 17 for free meals and supplements;

“(ii) receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the entity; and

“(iii) maintain a policy of not providing services or assistance to pregnant women, or homeless women with infants, who use a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(B) The Secretary may modify the meal pattern requirements to take into account the needs of infants, homeless pregnant women,

homeless mothers, guardians of infants, or the children of the women, mothers, or guardians.

“(C) The Secretary shall provide funding to a participating entity for services described in paragraph (3) that are provided to individuals described in paragraph (1).

“(5) The Secretary shall impose such auditing and record-keeping requirements as are necessary to monitor the use of Federal funds to carry out this subsection.

“(6) The Secretary shall notify 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 on projects carried out under this subsection.

Notification.

“(7)(A) Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary \$400,000 for each of fiscal years 1995 through 1998 to carry out this subsection. The Secretary shall be entitled to receive the funds and shall accept the funds.

“(B) Any funds provided under subparagraph (A) to carry out projects under this subsection for a fiscal year that are not obligated in the fiscal year shall be used by the Secretary to carry out the homeless children nutrition program established under section 17B.

“(8) As used in this subsection:

“(A) The term ‘boarder baby’ means an abandoned infant described in section 103(1) of the Abandoned Infants Assistance Act of 1988 (Public Law 100-505; 42 U.S.C. 670 note).

“(B) The term ‘nutrition education’ has the meaning provided in section 17(b)(7) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(7)).”

SEC. 118. PILOT PROJECTS.

(a) COMMODITY LETTER OF CREDIT (CLOC) PROGRAMS.—The first sentence of section 18(b)(1) of the National School Lunch Act (42 U.S.C. 1769(b)(1)) is amended by striking “, and ending September 30, 1994”.

(b) DEMONSTRATION PROGRAM TO PROVIDE MEALS AND SUPPLEMENTS OUTSIDE OF SCHOOL HOURS.—Section 18 of such Act (42 U.S.C. 1769) is amended by adding at the end the following new subsection:

“(e)(1)(A) The Secretary shall establish a demonstration program to provide grants to eligible institutions or schools to provide meals or supplements to adolescents participating in educational, recreational, or other programs and activities provided outside of school hours.

Grants.

“(B) The amount of a grant under subparagraph (A) shall be equal to the amount necessary to provide meals or supplements described in such subparagraph and shall be determined in accordance with reimbursement payment rates for meals and supplements under the child and adult care food program under section 17.

“(2) The Secretary may not provide a grant under paragraph (1) to an eligible institution or school unless the institution or school submits to the Secretary an application containing such information as the Secretary may reasonably require.

“(3) The Secretary may not provide a grant under paragraph (1) to an eligible institution or school unless the institution or school agrees that the institution or school will—

“(A) use amounts from the grant to provide meals or supplements under educational, recreational, or other programs and activities for adolescents outside of school hours, and the programs and activities are carried out in geographic areas in which there are high rates of poverty, violence, or drug and alcohol abuse among school-aged youths; and

“(B) use the same meal patterns as meal patterns required under the child and adult care food program under section 17.

“(4) Determinations with regard to eligibility for free and reduced price meals and supplements provided under programs and activities under this subsection shall be made in accordance with the income eligibility guidelines for free and reduced price lunches under section 9.

“(5)(A) Except as provided in subparagraph (B), the Secretary shall expend to carry out this subsection, from amounts appropriated for purposes of carrying out section 17, \$325,000 for fiscal year 1995, \$475,000 for each of fiscal years 1996 and 1997, and \$525,000 for fiscal year 1998. In addition to amounts described in the preceding sentence, the Secretary shall expend any additional amounts in any fiscal year as may be provided in advance in appropriations Acts.

“(B) The Secretary may expend less than the amount required under subparagraph (A) if there is an insufficient number of suitable applicants.

“(6) As used in this subsection:

“(A) The term ‘adolescent’ means a child who has attained the age of 13 but has not attained the age of 19.

“(B) The term ‘eligible institution or school’ means—

“(i) an institution, as the term is defined in section 17; or

“(ii) an elementary or secondary school participating in the school lunch program under this Act.

“(C) The term ‘outside of school hours’ means after-school hours, weekends, or holidays during the regular school year.”.

(c) FORTIFIED FLUID MILK.—Section 18 of such Act (42 U.S.C. 1769) (as amended by subsection (b)) is further amended by adding at the end the following new subsection:

“(f)(1) Subject to the availability of appropriations to carry out this subsection, the Secretary shall establish pilot projects in at least 25 school districts under which the milk offered by schools meets the fortification requirements of paragraph (3) for lowfat, skim, and other forms of fluid milk.

“(2) The Secretary shall make available to school districts information that compares the nutritional benefits of fluid milk that meets the fortification requirements of paragraph (3) and the nutritional benefits of other milk that is made available through the school lunch program established under this Act.

“(3) The fortification requirements for fluid milk for the pilot project referred to in paragraph (1) shall provide that—

“(A) all whole milk in final package form for beverage use shall contain not less than—

“(i) 3.25 percent milk fat; and

“(ii) 8.7 percent milk solids not fat;

“(B) all lowfat milk in final package form for beverage use shall contain not less than 10 percent milk solids not fat; and

“(C) all skim milk in final package form for beverage use shall contain not less than 9 percent milk solids not fat.

“(4)(A) In selecting where to establish pilot projects under this subsection, the Secretary shall take into account, among other factors, the availability of fortified milk and the interest of the school district in being included in the pilot project.

“(B) The Secretary shall establish the pilot projects in as many geographic areas as practicable, except that none of the projects shall be established in school districts that use milk described in paragraph (3) or similar milk.

“(5) Not later than 2 years after the establishment of the first pilot project under this subsection, the Secretary shall report 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 on—

Reports.

“(A) the acceptability of fortified whole, lowfat, and skim milk products to participating children;

“(B) the impact of offering the milk on milk consumption;

“(C) the views of the school food service authorities on the pilot projects; and

“(D) any increases or reductions in costs attributed to the pilot projects.

“(6) The Secretary shall—

“(A) obtain copies of any research studies or papers that discuss the impact of the fortification of milk pursuant to standards established by the States; and

“(B) on request, make available to State agencies and the public—

Public information.

“(i) the information obtained under subparagraph (A); and

“(ii) information about where to obtain milk described in paragraph (3).

“(7)(A) Each pilot project established under this subsection shall terminate on the last day of the third year after the establishment of the pilot project.

“(B) The Secretary shall advise representatives of each district participating in a pilot project that the district may continue to offer the fortified forms of milk described in paragraph (3) after the project terminates.”

(d) INCREASED CHOICES OF FRUITS, VEGETABLES, LEGUMES, CEREALS, AND GRAIN-BASED PRODUCTS.—Section 18 of such Act (42 U.S.C. 1769) (as amended by subsection (c)) is further amended by adding at the end the following new subsection:

“(g)(1) The Secretary is authorized to establish a pilot project to assist schools participating in the school lunch program established under this Act, and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), to offer participating students additional choices of fruits, vegetables, legumes, cereals, and grain-based products (including, subject to paragraph (6), organically produced agricultural commodities and products) (collectively referred to in this subsection as ‘qualified products’).

“(2) The Secretary shall establish procedures under which schools may apply to participate in the pilot project. To the maximum extent practicable, the Secretary shall select qualified schools that apply from each State.

“(3) The Secretary may provide a priority for receiving funds under this subsection to—

“(A) schools that are located in low-income areas (as defined by the Secretary); and

“(B) schools that rarely offer 3 or more choices of qualified products per meal.

“(4) On request, the Secretary shall provide information 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 on the impact of the pilot project on participating schools, including—

“(A) the extent to which participating children increased consumption of qualified products;

“(B) the extent to which increased consumption of qualified products offered under the pilot project has contributed to a reduction in fat intake in the school breakfast and school lunch programs;

“(C) the desirability of requiring that—

“(i) each school participating in the school breakfast program increase the number of choices of qualified products offered per meal to at least 2 choices;

“(ii) each school participating in the school lunch program increase the number of choices of qualified products offered per meal; and

“(iii) the Secretary provide additional Federal reimbursements to assist schools in complying with clauses (i) and (ii);

“(D) the views of school food service authorities on the pilot project; and

“(E) any increase or reduction in costs to the schools in offering the additional qualified products.

“(5) Subject to the availability of funds appropriated to carry out this subsection, the Secretary shall use not more than \$5,000,000 for each of fiscal years 1995 through 1997 to carry out this subsection.

“(6) For purposes of this subsection, qualified products shall include organically produced agricultural commodities and products beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).”.

(e) INCREASED CHOICES OF LOWFAT DAIRY PRODUCTS AND LEAN MEAT AND POULTRY PRODUCTS.—Section 18 of such Act (42 U.S.C. 1769) (as amended by subsection (d)) is further amended by adding at the end the following new subsection:

“(h)(1) The Secretary is authorized to establish a pilot project to assist schools participating in the school lunch program established under this Act, and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), to offer participating students additional choices of lowfat dairy products (including lactose-free dairy products) and lean meat and poultry products (including, subject to paragraph (6), organically produced agricultural commodities and products) (collectively referred to in this subsection as ‘qualified products’).

“(2) The Secretary shall establish procedures under which schools may apply to participate in the pilot project. To the maxi-

num extent practicable, the Secretary shall select qualified schools that apply from each State.

“(3) The Secretary may provide a priority for receiving funds under this subsection to—

“(A) schools that are located in low-income areas (as defined by the Secretary); and

“(B) schools that rarely offer 3 or more choices of qualified products per meal.

“(4) On request, the Secretary shall provide information 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 on the impact of the pilot project on participating schools, including—

“(A) the extent to which participating children increased consumption of qualified products;

“(B) the extent to which increased consumption of qualified products offered under the pilot project has contributed to a reduction in fat intake in the school breakfast and school lunch programs;

“(C) the desirability of requiring that—

“(i) each school participating in the school breakfast program increase the number of choices of qualified products offered per meal to at least 2 choices;

“(ii) each school participating in the school lunch program increase the number of choices of qualified products offered per meal; and

“(iii) the Secretary provide additional Federal reimbursements to assist schools in complying with clauses (i) and (ii);

“(D) the views of the school food service authorities on the pilot project; and

“(E) any increase or reduction in costs to the schools in offering the additional qualified products.

“(5) Subject to the availability of funds appropriated to carry out this subsection, the Secretary shall use not more than \$5,000,000 for each of fiscal years 1995 through 1997 to carry out this subsection.

“(6) For purposes of this subsection, qualified products shall include organically produced agricultural commodities and products beginning on the date the Secretary establishes an organic certification program for producers and handlers of agricultural products in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).”

(f) **REDUCED PAPERWORK AND APPLICATION REQUIREMENTS AND INCREASED PARTICIPATION PILOTS.**—Section 18 of such Act (42 U.S.C. 1769) (as amended by subsection (e)) is further amended by adding at the end the following new subsection:

“(i)(1) Subject to the availability of advance appropriations under paragraph (8), the Secretary shall make grants to a limited number of schools to conduct pilot projects in 2 or more States approved by the Secretary to—

“(A) reduce paperwork;

“(B) reduce application and meal counting requirements; and

“(C) make changes that will increase participation in the school lunch and school breakfast programs.

“(2)(A) Except as provided in subparagraph (B), the Secretary may waive the requirements of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) relating to counting of meals, applications for eligibility, and related requirements that would preclude the Secretary from making a grant to conduct a pilot project under paragraph (1).

“(B) The Secretary may not waive a requirement under subparagraph (A) if the waiver would prevent a program participant, a potential program recipient, or a school from receiving all of the benefits and protections of this Act, the Child Nutrition Act of 1966, or a Federal statute or regulation that protects an individual constitutional right or a statutory civil right.

“(C) No child otherwise eligible for free or reduced price meals under section 9 or under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) shall be required to pay more under a program carried out under this subsection for such a meal than the child would otherwise pay under section 9 or under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), respectively.

“(3) To be eligible to receive a grant to conduct a pilot project under this subsection, a school shall—

“(A) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, including, at a minimum, information—

“(i) demonstrating that the program carried out under the project differs from programs carried out under subparagraph (C), (D), or (E) of section 11(a)(1);

“(ii) demonstrating that at least 40 percent of the students participating in the school lunch program at the school are eligible for free or reduced price meals;

“(iii) demonstrating that the school operates both a school lunch program and a school breakfast program;

“(iv) describing the funding, if any that the school will receive from non-Federal sources to carry out the pilot project;

“(v) describing and justifying the additional amount, over the most recent prior year reimbursement amount received under the school lunch program and the school breakfast program (adjusted for inflation and fluctuations in enrollment), that the school needs from the Federal government to conduct the pilot; and

“(vi) describing the policy of the school on a la carte and competitive foods;

“(B) not have a history of violations of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(C) meet any other requirement that the Secretary may reasonably require.

“(4) To the extent practicable, the Secretary shall select schools to participate in the pilot program under this subsection in a manner that will provide for an equitable distribution among the following types of schools:

“(A) Urban and rural schools.

“(B) Elementary, middle, and high schools.

“(C) Schools of varying income levels.

“(5)(A) Except as provided in subparagraph (B), a school conducting a pilot project under this subsection shall receive

commodities in an amount equal to the amount the school received in the prior year under the school lunch program under this Act and under the school breakfast program under section 4 of the Child Nutrition Act of 1966, adjusted for inflation and fluctuations in enrollment.

“(B) Commodities required for the pilot project in excess of the amount of commodities received by the school in the prior year under the school lunch program and the school breakfast program may be funded from amounts appropriated to carry out this section.

“(6)(A) Except as provided in subparagraph (B), a school conducting a pilot project under this subsection shall receive a total Federal reimbursement under the school lunch program and school breakfast program in an amount equal to the total Federal reimbursement for the school in the prior year under each such program (adjusted for inflation and fluctuations in enrollment).

“(B) Funds required for the pilot project in excess of the level of reimbursement received by the school in the prior year (adjusted for inflation and fluctuations in enrollment) may be taken from any non-Federal source or from amounts appropriated to carry out this subsection. If no appropriations are made for the pilot projects, schools may not conduct the pilot projects.

“(7)(A) The Secretary shall require each school conducting a pilot project under this subsection to submit to the Secretary documentation sufficient for the Secretary, to the extent practicable, to—

“(i) determine the effect that participation by schools in the pilot projects has on the rate of student participation in the school lunch program and the school breakfast program, in total and by various income groups;

“(ii) compare the quality of meals served under the pilot project to the quality of meals served under the school lunch program and the school breakfast program during the school year immediately preceding participation in the pilot project;

“(iii) summarize the views of students, parents, and administrators with respect to the pilot project;

“(iv) compare the amount of administrative costs under the pilot project to the amount of administrative costs under the school lunch program and the school breakfast program during the school year immediately preceding participation in the pilot project;

“(v) determine the reduction in paperwork under the pilot project from the amount of paperwork under the school lunch and school breakfast programs at the school; and

“(vi) determine the effect of participation in the pilot project on sales of, and school policy regarding, a la carte and competitive foods.

“(B) Not later than January 31, 1998, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing—

Reports.

“(i) a description of the pilot projects approved by the Secretary under this subsection;

“(ii) a compilation of the information received by the Secretary under paragraph (1) as of this date from each school conducting a pilot project under this subsection; and

“(iii) an evaluation of the program by the Secretary.

Appropriation
authorization.

“(8) There are authorized to be appropriated to carry out this subsection \$9,000,000 for each fiscal year during the period beginning October 1, 1995, and ending July 31, 1998.”.

SEC. 119. REDUCTION OF PAPERWORK.

Section 19(a) of the National School Lunch Act (42 U.S.C. 1769a(a)) is amended—

(1) by striking “and other agencies” and inserting “other agencies”; and

(2) by inserting “, and families of children participating in the programs,” after “assisted under such Acts”.

SEC. 120. FOOD SERVICE MANAGEMENT INSTITUTE.

(a) **REQUIRED ACTIVITIES.**—Section 21(c)(2) of the National School Lunch Act (42 U.S.C. 1769b-1(c)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking “and” at the end of clause (viii);

(B) by redesignating clause (ix) as clause (x); and

(C) by inserting after clause (viii) the following new clause:

“(ix) culinary skills; and”;

(2) by striking “and” at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

“(F) training food service personnel to comply with the nutrition guidance and objectives of section 24 through a national network of instructors or other means;

“(G) preparing informational materials, such as video instruction tapes and menu planners, to promote healthier food preparation; and

“(H) assisting State educational agencies in providing additional nutrition and health instructions and instructors, including training personnel to comply with the nutrition guidance and objectives of section 24.”.

(b) **USE OF FOOD SERVICE MANAGEMENT INSTITUTE FOR DIETARY AND NUTRITION ACTIVITIES.**—Section 21(d) of such Act (42 U.S.C. 1769b-1(d)) is amended—

(1) by striking “(d) COORDINATION.—The” and inserting the following:

“(d) COORDINATION.—

“(1) IN GENERAL.—The”; and

(2) by adding at the end the following new paragraph:

“(2) USE OF INSTITUTE FOR DIETARY AND NUTRITION ACTIVITIES.—The Secretary shall use any food service management institute established under subsection (a)(2) to assist in carrying out dietary and nutrition activities of the Secretary.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 21 of such Act (42 U.S.C. 1769b-1) is amended—

(1) in subsection (a)(1), by striking “from” and inserting “subject to the availability of, and from,”; and

(2) by striking subsection (e) and inserting the following new subsection:

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) TRAINING ACTIVITIES AND TECHNICAL ASSISTANCE.—There are authorized to be appropriated to carry out subsection (a)(1) \$3,000,000 for fiscal year 1990, \$2,000,000 for fiscal year

1991, and \$1,000,000 for each of fiscal years 1992 through 1998.

“(2) FOOD SERVICE MANAGEMENT INSTITUTE.—

“(A) FUNDING.—In addition to any amounts otherwise made available for fiscal year 1995, out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary \$147,000 for fiscal year 1995, and \$2,000,000 for fiscal year 1996 and each subsequent fiscal year, to carry out subsection (a)(2). The Secretary shall be entitled to receive the funds and shall accept the funds.

“(B) ADDITIONAL FUNDING.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out subsection (a)(2) such sums as are necessary for fiscal year 1995 and each subsequent fiscal year. The Secretary shall carry out activities under subsection (a)(2), in addition to the activities funded under subparagraph (A), to the extent provided for, and in such amounts as are provided for, in advance in appropriations Acts.

“(C) FUNDING FOR EDUCATION, TRAINING, OR APPLIED RESEARCH OR STUDIES.—In addition to amounts made available under subparagraphs (A) and (B), from amounts otherwise appropriated to the Secretary in discretionary appropriations, the Secretary may provide funds to any food service management institute established under subsection (a)(2) for projects specified by the Secretary that will contribute to implementing dietary or nutrition initiatives. Any additional funding under this subparagraph shall be provided noncompetitively in a separate cooperative agreement.”

SEC. 121. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking “1990, 1991, 1992, 1993, and 1994” and inserting “1994 through 1996”.

SEC. 122. DUTIES OF THE SECRETARY OF AGRICULTURE RELATING TO NONPROCUREMENT DEBARMENT UNDER CERTAIN CHILD NUTRITION PROGRAMS.

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

“SEC. 25. DUTIES OF THE SECRETARY RELATING TO NONPROCUREMENT DEBARMENT. 42 USC 1769f.

“(a) PURPOSES.—The purposes of this section are to promote the prevention and deterrence of instances of fraud, bid rigging, and other anticompetitive activities encountered in the procurement of products for child nutrition programs by—

“(1) establishing guidelines and a timetable for the Secretary to initiate debarment proceedings, as well as establishing mandatory debarment periods; and

“(2) providing training, technical advice, and guidance in identifying and preventing the activities.

“(b) DEFINITIONS.—As used in this section:

“(1) CHILD NUTRITION PROGRAM.—The term ‘child nutrition program’ means—

“(A) the school lunch program established under this Act;

“(B) the summer food service program for children established under section 13;

“(C) the child and adult care food program established under section 17;

“(D) the homeless children nutrition program established under section 17B;

“(E) the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772);

“(F) the school breakfast program established under section 4 of such Act (42 U.S.C. 1773); and

“(G) the special supplemental nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786).

“(2) CONTRACTOR.—The term ‘contractor’ means a person that contracts with a State, an agency of a State, or a local agency to provide goods or services in relation to the participation of a local agency in a child nutrition program.

“(3) LOCAL AGENCY.—The term ‘local agency’ means a school, school food authority, child care center, sponsoring organization, or other entity authorized to operate a child nutrition program at the local level.

“(4) NONPROCUREMENT DEBARMENT.—The term ‘nonprocurement debarment’ means an action to bar a person from programs and activities involving Federal financial and non-financial assistance, but not including Federal procurement programs and activities.

“(5) PERSON.—The term ‘person’ means any individual, corporation, partnership, association, cooperative, or other legal entity, however organized.

“(c) ASSISTANCE TO IDENTIFY AND PREVENT FRAUD AND ANTI-COMPETITIVE ACTIVITIES.—The Secretary shall—

“(1) in cooperation with any other appropriate individual, organization, or agency, provide advice, training, technical assistance, and guidance (which may include awareness training, training films, and troubleshooting advice) to representatives of States and local agencies regarding means of identifying and preventing fraud and anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program; and

“(2) provide information to, and fully cooperate with, the Attorney General and State attorneys general regarding investigations of fraud and anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program.

“(d) NONPROCUREMENT DEBARMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (3) and subsection (e), not later than 180 days after notification of the occurrence of a cause for debarment described in paragraph (2), the Secretary shall initiate nonprocurement debarment proceedings against the contractor who has committed the cause for debarment.

“(2) CAUSES FOR DEBARMENT.—Actions requiring initiation of nonprocurement debarment pursuant to paragraph (1) shall include a situation in which a contractor is found guilty in

any criminal proceeding, or found liable in any civil or administrative proceeding, in connection with the supplying, providing, or selling of goods or services to any local agency in connection with a child nutrition program, of—

“(A) an anticompetitive activity, including bid-rigging, price-fixing, the allocation of customers between competitors, or other violation of Federal or State antitrust laws;

“(B) fraud, bribery, theft, forgery, or embezzlement;

“(C) knowingly receiving stolen property;

“(D) making a false claim or statement; or

“(E) any other obstruction of justice.

“(3) EXCEPTION.—If the Secretary determines that a decision on initiating nonprocurement debarment proceedings cannot be made within 180 days after notification of the occurrence of a cause for debarment described in paragraph (2) because of the need to further investigate matters relating to the possible debarment, the Secretary may have such additional time as the Secretary considers necessary to make a decision, but not to exceed an additional 180 days.

“(4) MANDATORY CHILD NUTRITION PROGRAM DEBARMENT PERIODS.—

“(A) IN GENERAL.—Subject to the other provisions of this paragraph and notwithstanding any other provision of law except subsection (e), if, after deciding to initiate nonprocurement debarment proceedings pursuant to paragraph (1), the Secretary decides to debar a contractor, the debarment shall be for a period of not less than 3 years.

“(B) PREVIOUS DEBARMENT.—If the contractor has been previously debarred pursuant to nonprocurement debarment proceedings initiated pursuant to paragraph (1), and the cause for debarment is described in paragraph (2) based on activities that occurred subsequent to the initial debarment, the debarment shall be for a period of not less than 5 years.

“(C) SCOPE.—At a minimum, a debarment under this subsection shall serve to bar the contractor for the specified period from contracting to provide goods or services in conjunction with the participation of a local agency in a child nutrition program.

“(D) REVERSAL, REDUCTION, OR EXCEPTION.—Nothing in this section shall restrict the ability of the Secretary to—

“(i) reverse a debarment decision;

“(ii) reduce the period or scope of a debarment;

“(iii) grant an exception permitting a debarred contractor to participate in a particular contract to provide goods or services; or

“(iv) otherwise settle a debarment action at any time;

in conjunction with the participation of a local agency in a child nutrition program, if the Secretary determines there is good cause for the action, after taking into account factors set forth in paragraphs (1) through (6) of subsection (e).

“(5) INFORMATION.—On request, the Secretary shall present 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 information regarding the decisions required by this subsection.

“(6) RELATIONSHIP TO OTHER AUTHORITIES.—A debarment imposed under this section shall not reduce or diminish the authority of a Federal, State, or local government agency or court to penalize, imprison, fine, suspend, debar, or take other adverse action against a person in a civil, criminal, or administrative proceeding.

“(7) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this subsection.

“(e) MANDATORY DEBARMENT.—Notwithstanding any other provision of this section, the Secretary shall initiate nonprocurement debarment proceedings against the contractor (including any cooperative) who has committed the cause for debarment (as determined under subsection (d)(2)), unless the action—

“(1) is likely to have a significant adverse effect on competition or prices in the relevant market or nationally;

“(2) will interfere with the ability of a local agency to procure a needed product for a child nutrition program;

“(3) is unfair to a person, subsidiary corporation, affiliate, parent company, or local division of a corporation that is not involved in the improper activity that would otherwise result in the debarment;

“(4) is likely to have significant adverse economic impacts on the local economy in a manner that is unfair to innocent parties;

“(5) is not justified in light of the penalties already imposed on the contractor for violations relevant to the proposed debarment, including any suspension or debarment arising out of the same matter that is imposed by any Federal or State agency; or

“(6) is not in the public interest, or otherwise is not in the interests of justice, as determined by the Secretary.

“(f) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Prior to seeking judicial review in a court of competent jurisdiction, a contractor against whom a nonprocurement debarment proceeding has been initiated shall—

“(1) exhaust all administrative procedures prescribed by the Secretary; and

“(2) receive notice of the final determination of the Secretary.

“(g) INFORMATION RELATING TO PREVENTION AND CONTROL OF ANTICOMPETITIVE ACTIVITIES.—On request, the Secretary shall present 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 information regarding the activities of the Secretary relating to anticompetitive activities, fraud, nonprocurement debarment, and any waiver granted by the Secretary under this section.”

(b) APPLICABILITY.—Section 25 of the National School Lunch Act (as added by subsection (a)) shall not apply to a cause for debarment as described in section 25(d)(2) of such Act that is based on an activity that took place prior to the effective date of section 25 of such Act.

(c) **NO REDUCTION IN AUTHORITY TO DEBAR OR SUSPEND A PERSON FROM FEDERAL FINANCIAL AND NONFINANCIAL ASSISTANCE AND BENEFITS.**—The authority of the Secretary of Agriculture that exists on the day before the date of enactment of this Act to debar or suspend a person from Federal financial and nonfinancial assistance and benefits under Federal programs and activities shall not be diminished or reduced by subsection (a) or the amendment made by subsection (a).

42 USC 1769f
note.

SEC. 123. INFORMATION CLEARINGHOUSE.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 122) is further amended by adding at the end the following new section:

“SEC. 26. INFORMATION CLEARINGHOUSE.

42 USC 1769g.

“(a) **IN GENERAL.**—The Secretary shall enter into a contract with a nongovernmental organization described in subsection (b) to establish and maintain a clearinghouse to provide information to nongovernmental groups located throughout the United States that assist low-income individuals or communities regarding food assistance, self-help activities to aid individuals in becoming self-reliant, and other activities that empower low-income individuals or communities to improve the lives of low-income individuals and reduce reliance on Federal, State, or local governmental agencies for food or other assistance.

Contracts.

“(b) **NONGOVERNMENTAL ORGANIZATION.**—The nongovernmental organization referred to in subsection (a) shall be selected on a competitive basis and shall—

“(1) be experienced in the gathering of first-hand information in all the States through onsite visits to grassroots organizations in each State that fight hunger and poverty or that assist individuals in becoming self-reliant;

“(2) be experienced in the establishment of a clearinghouse similar to the clearinghouse described in subsection (a);

“(3) agree to contribute in-kind resources towards the establishment and maintenance of the clearinghouse and agree to provide clearinghouse information, free of charge, to the Secretary, States, counties, cities, antihunger groups, and grassroots organizations that assist individuals in becoming self-sufficient and self-reliant;

“(4) be sponsored by an organization, or be an organization, that—

“(A) has helped combat hunger for at least 10 years;

“(B) is committed to reinvesting in the United States;

and

“(C) is knowledgeable regarding Federal nutrition programs;

“(5) be experienced in communicating the purpose of the clearinghouse through the media, including the radio and print media, and be able to provide access to the clearinghouse information through computer or telecommunications technology, as well as through the mails; and

“(6) be able to provide examples, advice, and guidance to States, counties, cities, communities, antihunger groups, and local organizations regarding means of assisting individuals and communities to reduce reliance on government programs, reduce hunger, improve nutrition, and otherwise assist low-

income individuals and communities become more self-sufficient.

“(c) AUDITS.—The Secretary shall establish fair and reasonable auditing procedures regarding the expenditures of funds to carry out this section.

“(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall pay to the Secretary to provide to the organization selected under this section, to establish and maintain the information clearinghouse, \$200,000 for each of fiscal years 1995 and 1996, \$150,000 for fiscal year 1997, and \$100,000 for fiscal year 1998. The Secretary shall be entitled to receive the funds and shall accept the funds.”.

SEC. 124. GUIDANCE AND GRANTS FOR ACCOMMODATING SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 123) is further amended by adding at the end the following new section:

42 USC 1769h.

“SEC. 27. GUIDANCE AND GRANTS FOR ACCOMMODATING SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES.

“(a) DEFINITIONS.—As used in this section:

“(1) CHILDREN WITH DISABILITIES.—The term ‘children with disabilities’ means individuals, each of whom is—

“(A) a participant in a covered program; and

“(B) an individual with a disability, as defined in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)) for purposes of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

“(2) COVERED PROGRAM.—The term ‘covered program’ means—

“(A) the school lunch program established under this Act;

“(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(C) any other program established under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) that the Secretary determines is appropriate.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a school food service authority, or an institution or organization, that participates in a covered program.

“(b) GUIDANCE.—

“(1) DEVELOPMENT.—The Secretary, in consultation with the Attorney General and the Secretary of Education, shall develop and approve guidance for accommodating the medical and special dietary needs of children with disabilities under covered programs in a manner that is consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

“(2) TIMING.—In the case of the school lunch program established under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the Secretary shall develop the guidance as required by paragraph (1) not later than 150 days after the date of enactment of this section.

“(3) DISTRIBUTION.—Not later than 60 days after the date that the development of the guidance relating to a covered program is completed, the Secretary shall distribute the guid-

ance to school food service authorities, and institutions and organizations, participating in the covered program.

“(4) REVISION OF GUIDANCE.—The Secretary, in consultation with the Attorney General and the Secretary of Education, shall periodically update and approve the guidances to reflect new scientific information and comments and suggestions from persons carrying out covered programs, recognized medical authorities, parents, and other persons.

“(c) GRANTS.—

“(1) IN GENERAL.—Subject to the availability of appropriations provided in advance to carry out this subsection, the Secretary shall make grants on a competitive basis to State educational agencies for distribution to eligible entities to assist the eligible entities with nonrecurring expenses incurred in accommodating the medical and special dietary needs of children with disabilities in a manner that is consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

“(2) ADDITIONAL ASSISTANCE.—Subject to paragraph (3)(A)(iii), assistance received through grants made under this subsection shall be in addition to any other assistance that State educational agencies and eligible entities would otherwise receive.

“(3) ALLOCATION BY SECRETARY.—

“(A) PREFERENCE.—In making grants under this subsection for any fiscal year, the Secretary shall provide a preference to State educational agencies that, individually—

“(i) submit to the Secretary a plan for accommodating the needs described in paragraph (1), including a description of the purpose of the project for which the agency seeks such a grant, a budget for the project, and a justification for the budget;

“(ii) provide to the Secretary data demonstrating that the State served by the agency has a substantial percentage of children with medical or special dietary needs, and information explaining the basis for the data; or

“(iii) demonstrate to the satisfaction of the Secretary that the activities supported through such a grant will be coordinated with activities supported under other Federal, State, and local programs, including—

“(I) activities carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

“(II) activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

“(III) activities carried out under section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) or by the food service management institute established under section 21.

“(B) REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency under this subsection that are not used by the agency within a reasonable period (as determined by the Secretary).

“(C) APPLICATIONS.—The Secretary shall allow State educational agencies to apply on an annual basis for assistance under this subsection.

“(4) ALLOCATION BY STATE EDUCATIONAL AGENCIES.—In allocating funds made available under this subsection within a State, the State educational agency shall give a preference to eligible entities that demonstrate the greatest ability to use the funds to carry out the plan submitted by the State in accordance with paragraph (3)(A)(i).

“(5) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources to accommodate the needs described in paragraph (1) shall not be diminished as a result of grants received under this subsection.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$1,000,000 for each of fiscal years 1995 through 1998 to carry out this subsection.”

42 USC 1751
note.

SEC. 125. STUDY OF ADULTERATION OF JUICE PRODUCTS SOLD TO SCHOOL MEAL PROGRAMS

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the costs and problems associated with the sale of adulterated fruit juice and juice products to the school lunch program under the National School Lunch Act (42 U.S.C. 1751 et seq.) and school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), including a study of—

(1) the nature and extent to which juice products have been and are currently being adulterated;

(2) the adequacy of current requirements and standards to preclude manufacturers from processing adulterated products for school meal programs;

(3) the availability and effectiveness of various detection methods and testing procedures used to identify adulterated juice products;

(4) the adequacy of existing enforcement mechanisms and efforts to detect and prosecute manufacturers of adulterated juice products;

(5) the economic effect of the sale of adulterated juice products on the school meal program and on manufacturers of the products; and

(6) the effect alternative mandatory inspection methods would have on program costs and various purchasing options.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study conducted under subsection (a) (including any related recommendations) 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.

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

SEC. 201. SCHOOL BREAKFAST PROGRAM.

(a) MINIMUM NUTRITIONAL REQUIREMENTS MEASURED BY WEEKLY AVERAGE OF NUTRIENT CONTENT OF SCHOOL BREAK-

FASTS.—The first sentence of section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)) is amended by inserting before the period at the end the following: “, except that the minimum nutritional requirements shall be measured by not less than the weekly average of the nutrient content of school breakfasts”.

(b) TECHNICAL ASSISTANCE FOR SCHOOL BREAKFAST PROGRAM.—Section 4(e)(1) of such Act (42 U.S.C. 1773(e)(1)) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following new subparagraph:

“(B) The Secretary shall provide through State educational agencies technical assistance and training, including technical assistance and training in the preparation of foods high in complex carbohydrates and lower-fat versions of foods commonly used in the school breakfast program established under this section, to schools participating in the school breakfast program to assist the schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A) and in providing appropriate meals to children with medically certified special dietary needs. The Secretary shall provide through State educational agencies additional technical assistance to schools that are having difficulty maintaining compliance with the requirements.”

(c) PROMOTION OF PROGRAM.—Section 4(f)(1) of such Act (42 U.S.C. 1773(f)(1)) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following new subparagraphs:

“(B) In cooperation with State educational agencies, the Secretary shall promote the school breakfast program by—

“(i) marketing the program in a manner that expands participation in the program by schools and students; and

“(ii) improving public education and outreach efforts in language appropriate materials that enhance the public image of the program.”

“(C) As used in this paragraph, the term ‘language appropriate materials’ means materials using a language other than the English language in a case in which the language is dominant for a large percentage of individuals participating in the program.”

(d) STARTUP AND EXPANSION OF SCHOOL BREAKFAST PROGRAM AND SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—Subsection (g) of section 4 of such Act (42 U.S.C. 1773(g)) is amended to read as follows:

“STARTUP AND EXPANSION COSTS

“(g)(1) Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary \$5,000,000 for each of fiscal years 1991 through 1997, \$6,000,000 for fiscal year 1998, and \$7,000,000 for fiscal year 1999 and each subsequent fiscal year to make payments under this subsection. The Secretary shall be entitled to receive the funds and shall accept the funds. The Secretary shall use the funds to make payments on a competitive basis and in the following order of priority (subject to other provisions of this subsection), to—

“(A) State educational agencies in a substantial number of States for distribution to eligible schools to assist the schools with nonrecurring expenses incurred in—

“(i) initiating a school breakfast program under this section; or

“(ii) expanding a school breakfast program; and

“(B) a substantial number of States for distribution to service institutions to assist the institutions with nonrecurring expenses incurred in—

“(i) initiating a summer food service program for children; or

“(ii) expanding a summer food service program for children.

“(2) Payments received under this subsection shall be in addition to payments to which State agencies are entitled under subsection (b) and section 13 of the National School Lunch Act (42 U.S.C. 1761).

“(3) To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary a plan to initiate or expand school breakfast programs conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to schools in the State to initiate or expand the programs.

“(4) In making payments under this subsection for any fiscal year to initiate or expand school breakfast programs, the Secretary shall provide a preference to State educational agencies that—

“(A) have in effect a State law that requires the expansion of the programs during the year;

“(B) have significant public or private resources that have been assembled to carry out the expansion of the programs during the year;

“(C) do not have a school breakfast program available to a large number of low-income children in the State; or

“(D) serve an unmet need among low-income children, as determined by the Secretary.

“(5) In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

“(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

“(ii) that do not have a summer food service program for children available to a large number of low-income children in the State; and

“(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

“(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

“(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

“(6) The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary).

“(7) The Secretary shall allow States to apply on an annual basis for assistance under this subsection.

“(8) Each State agency and State, in allocating funds within the State, shall give preference for assistance under this subsection to eligible schools and service institutions that demonstrate the greatest need for a school breakfast program or a summer food service program for children, respectively.

“(9) Expenditures of funds from State and local sources for the maintenance of the school breakfast program and the summer food service program for children shall not be diminished as a result of payments received under this subsection.

“(10) As used in this subsection:

“(A) The term ‘eligible school’ means a school—

“(i) attended by children a significant percentage of whom are members of low-income families;

“(ii)(I) as used with respect to a school breakfast program, that agrees to operate the school breakfast program established or expanded with the assistance provided under this subsection for a period of not less than 3 years; and

“(II) as used with respect to a summer food service program for children, that agrees to operate the summer food service program for children established or expanded with the assistance provided under this subsection for a period of not less than 3 years.

“(B) The term ‘service institution’ means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)(1)(B) or (7)).

“(C) The term ‘summer food service program for children’ means a program authorized by section 13 of such Act (42 U.S.C. 1761).”

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) WITHHOLDING.—Section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) is amended by adding at the end the following new paragraph:

“(9)(A) If the Secretary determines that the administration of any program by a State under this Act (other than section 17) or under the National School Lunch Act (42 U.S.C. 1751 et seq.), or compliance with a regulation issued pursuant to either of such Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under this section or under section 13(k)(1) or 17 of the National School Lunch Act (42 U.S.C. 1761(k)(1) or 1766).

“(B) On a subsequent determination by the Secretary that the administration of any program referred to in subparagraph (A), or compliance with the regulations issued to carry out the program, is no longer seriously deficient and is operated in an acceptable manner, the Secretary may allocate some or all of the funds withheld under such subparagraph.”

(b) EXTENSION OF AUTHORITY TO PROVIDE FUNDS FOR STATE ADMINISTRATIVE EXPENSES.—Section 7(h) of such Act (42 U.S.C. 1776(h)) is amended by striking “1994” and inserting “1998”.

(c) PROHIBITION OF FUNDING UNLESS STATE AGREES TO PARTICIPATE IN CERTAIN STUDIES OR SURVEYS.—Section 7 of such Act (42 U.S.C. 1776) is amended—

- (1) by redesignating subsection (h) as subsection (i); and
- (2) by inserting after subsection (g) the following new subsection:

“(h) The Secretary may not provide amounts under this section to a State for administrative costs incurred in any fiscal year unless the State agrees to participate in any study or survey of programs authorized under this Act or the National School Lunch Act (42 U.S.C. 1751 et seq.) and conducted by the Secretary.”.

SEC. 203. COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

- (1) by designating the first, second, and third sentences as subsections (a), (b), and (c), respectively;

- (2) by indenting the margins of subsections (b) and (c) so as to align with the margins of subsection (b) of section 11 of such Act (42 U.S.C. 1780); and

- (3) in subsection (b) (as designated by paragraph (1))—

- (A) by striking “Such regulations” and inserting “(1) The regulations”; and

- (B) by adding at the end the following new paragraphs:

“(2) The Secretary shall develop and provide to State agencies, for distribution to private elementary schools and to public elementary schools through local educational agencies, model language that bans the sale of competitive foods of minimal nutritional value anywhere on elementary school grounds before the end of the last lunch period.

“(3) The Secretary shall provide to State agencies, for distribution to private secondary schools and to public secondary schools through local educational agencies, a copy of regulations (in existence on the effective date of this paragraph) concerning the sale of competitive foods of minimal nutritional value.

“(4) Paragraphs (2) and (3) shall not apply to a State that has in effect a ban on the sale of competitive foods of minimal nutritional value in schools in the State.”.

SEC. 204. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) **DEFINITION OF NUTRITIONAL RISK.**—Section 17(b)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(8)) is amended—

- (1) by redesignating subparagraph (D) as subparagraph (E);

- (2) by inserting after “health,” at the end of subparagraph (C) the following new subparagraph: “(D) conditions that directly affect the nutritional health of a person, such as alcoholism or drug abuse;” and

- (3) in subparagraph (E) (as redesignated by paragraph (1)), by striking “alcoholism and drug addiction, homelessness, and” and inserting “homelessness and”.

(b) **PROMOTION OF PROGRAM.**—Section 17(c) of such Act (42 U.S.C. 1786(c)) is amended by adding at the end the following new paragraph:

“(5) The Secretary shall promote the special supplemental nutrition program by producing and distributing materials, including television and radio public service announcements in English and other appropriate languages, that inform potentially eligible individuals of the benefits and services under the program.”.

(c) **ELIGIBILITY FOR CERTAIN PREGNANT WOMEN.**—Section 17(d) of such Act (42 U.S.C. 1786(d)) is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

“(C) In the case of a pregnant woman who is otherwise ineligible for participation in the program because the family of the woman is of insufficient size to meet the income eligibility standards of the program, the pregnant woman shall be considered to have satisfied the income eligibility standards if, by increasing the number of individuals in the family of the woman by 1 individual, the income eligibility standards would be met.”; and

(2) in paragraph (3)—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following new subparagraph:

“(B) A State may consider pregnant women who meet the income eligibility standards to be presumptively eligible to participate in the program and may certify the women for participation immediately, without delaying certification until an evaluation is made concerning nutritional risk. A nutritional risk evaluation of such a woman shall be completed not later than 60 days after the woman is certified for participation. If it is subsequently determined that the woman does not meet nutritional risk criteria, the certification of the woman shall terminate on the date of the determination.”.

(d) TECHNICAL CORRECTIONS.—Section 17(e) of such Act (42 U.S.C. 1786(e)) is amended by redesignating paragraph (3) (as added by section 123(a)(3)(D) of the Child Nutrition and WIC Reauthorization Act of 1989 (Public Law 101-147; 103 Stat. 895)) and paragraphs (4) and (5) as paragraphs (4), (5), and (6), respectively.

(e) COORDINATION OF WIC AND MEDICAID PROGRAMS USING COORDINATED CARE PROVIDERS.—Section 17(f)(1)(C)(iii) of such Act (42 U.S.C. 1786(f)(1)(C)(iii)) is amended by inserting before the semicolon at the end the following: “, including medicaid programs that use coordinated care providers under a contract entered into under section 1903(m), or a waiver granted under section 1915(b), of the Social Security Act (42 U.S.C. 1396b(m) or 1396n(b)) (including coordination through the referral of potentially eligible women, infants, and children between the program authorized under this section and the medicaid program)”.

(f) PRIORITY CONSIDERATION FOR CERTAIN MIGRANT POPULATIONS.—The first sentence of section 17(f)(3) of such Act (42 U.S.C. 1786(f)(3)) is amended by inserting before the period at the end the following: “and shall ensure that local programs provide priority consideration to serving migrant participants who are residing in the State for a limited period of time”.

(g) INCOME ELIGIBILITY GUIDELINES.—Paragraph (18) of section 17(f) of such Act (42 U.S.C. 1786(f)(18)) is amended to read as follows:

“(18) Notwithstanding subsection (d)(2)(A)(i), not later than July 1 of each year, a State agency may implement income eligibility guidelines under this section concurrently with the implementation of income eligibility guidelines under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).”.

(h) USE OF RECOVERED PROGRAM FUNDS IN YEAR COLLECTED.—Section 17(f) of such Act (42 U.S.C. 1786(f)) is amended by adding at the end the following new paragraph:

“(23) A State agency may use funds recovered as a result of violations in the food delivery system of the program in the year in which the funds are collected for the purpose of carrying out the program.”

(i) COORDINATION INITIATIVE FOR WIC AND MEDICAID PROGRAMS.—Section 17(f) of such Act (42 U.S.C. 1786(f)) (as amended by subsection (h)) is further amended by adding at the end the following new paragraph:

“(24) The Secretary and the Secretary of Health and Human Services shall carry out an initiative to assure that, in a case in which a State medicaid program uses coordinated care providers under a contract entered into under section 1903(m), or a waiver granted under section 1915(b), of the Social Security Act (42 U.S.C. 1396b(m) or 1396n(b)), coordination between the program authorized by this section and the medicaid program is continued, including—

“(A) the referral of potentially eligible women, infants, and children between the 2 programs; and

“(B) the timely provision of medical information related to the program authorized by this section to agencies carrying out the program.”

(j) EXTENSION OF PROGRAM.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(1) in the first sentence of subsection (g)(1), by striking “1991, 1992, 1993, and 1994” and inserting “1995 through 1998”; and

(2) in the first sentence of subsection (h)(2)(A), by striking “1990, 1991, 1992, 1993 and 1994” and inserting “1995 through 1998”.

(k) USE OF FUNDS FOR TECHNICAL ASSISTANCE AND RESEARCH EVALUATION PROJECTS.—Section 17(g)(5) of such Act (42 U.S.C. 1786(g)(5)) is amended—

(1) by striking “and administration of pilot projects” and inserting “administration of pilot projects”; and

(2) by inserting before the period at the end the following: “, and carrying out technical assistance and research evaluation projects of the programs under this section”.

(l) BREASTFEEDING PROMOTION AND SUPPORT ACTIVITIES.—Section 17(h)(3) of such Act (42 U.S.C. 1786(h)(3)) is amended—

(1) in subparagraph (A)(i)(II)—

(A) by striking “an amount” and inserting “except as otherwise provided in subparagraphs (F) and (G), an amount”; and

(B) by striking “\$8,000,000,” and inserting “the national minimum breastfeeding promotion expenditure, as described in subparagraph (E),”; and

(2) by adding at the end the following new subparagraphs:

“(E) In the case of fiscal year 1996 (except as provided in subparagraph (G)) and each subsequent fiscal year, the national minimum breastfeeding promotion expenditure means an amount that is—

“(i) equal to \$21 multiplied by the number of pregnant women and breastfeeding women participating in the program nationwide, based on the average number of pregnant women and breastfeeding women so participating during the last 3 months for which the Secretary has final data; and

“(ii) adjusted for inflation on October 1, 1996, and each October 1 thereafter, in accordance with paragraph (1)(B)(ii).

“(F) In the case of fiscal year 1995, a State shall pay, in lieu of the expenditure required under subparagraph (A)(i)(II), an amount that is equal to the lesser of—

“(i) an amount that is more than the expenditure of the State for fiscal year 1994 on the activities described in subparagraph (A)(i); or

“(ii) an amount that is equal to \$21 multiplied by the number of pregnant women and breastfeeding women participating in the program in the State, based on the average number of pregnant women and breastfeeding women so participating during the last 3 months for which the Secretary has final data.

“(G)(i) If the Secretary determines that a State agency is unable, for reasons the Secretary considers to be appropriate, to make the expenditure required under subparagraph (A)(i)(II) for fiscal year 1996, the Secretary may permit the State to make the required level of expenditure not later than October 1, 1996.

“(ii) In the case of fiscal year 1996, if the Secretary makes a determination described in clause (i), a State shall pay, in lieu of the expenditure required under subparagraph (A)(i)(II), an amount that is equal to the lesser of—

“(I) an amount that is more than the expenditure of the State for fiscal year 1995 on the activities described in subparagraph (A)(i); and

“(II) an amount that is equal to \$21 multiplied by the number of pregnant women and breastfeeding women participating in the program in the State, based on the average number of pregnant women and breastfeeding women so participating during the last 3 months for which the Secretary has final data.”.

(m) DEVELOPMENT OF STANDARDS FOR THE COLLECTION OF BREASTFEEDING DATA.—Section 17(h)(4) of such Act (42 U.S.C. 1786(h)(4)) is amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(E) not later than 1 year after the date of enactment of this subparagraph, develop uniform requirements for the collection of data regarding the incidence and duration of breastfeeding among participants in the program and, on development of the uniform requirements, require each State agency to report the data for inclusion in the report to Congress described in subsection (d)(4).”.

(n) SUBMISSION OF INFORMATION TO CONGRESS ON WAIVERS WITH RESPECT TO PROCUREMENT OF INFANT FORMULA.—Section 17(h)(8)(D)(iii) of such Act (42 U.S.C. 1786(h)(8)(D)(iii)) is amended by striking “at 6-month intervals” and inserting “on a timely basis”.

(o) COST CONTAINMENT.—

(1) IN GENERAL.—Section 17(h)(8)(G) of such Act (42 U.S.C. 1786(h)(8)(G)) is amended by adding at the end the following new clause:

“(ix) Not later than September 30, 1996, the Secretary shall offer to solicit bids on behalf of State agencies regarding cost containment contracts to be entered into by infant cereal manufac-

turers and State agencies. In carrying out this clause, the Secretary shall, to the maximum extent feasible, follow the procedures prescribed in this subparagraph regarding offers made by the Secretary with regard to soliciting bids regarding infant formula cost containment contracts. The Secretary may carry out this clause without issuing regulations.”

(2) REPEAL OF TERMINATION OF AUTHORITY.—Section 209 of the WIC Infant Formula Procurement Act of 1992 (Public Law 102-512; 42 U.S.C. 1786 note) is repealed.

(p) PROHIBITION ON INTEREST LIABILITY TO FEDERAL GOVERNMENT ON REBATE FUNDS.—Section 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following new subparagraph:

“(L) A State shall not incur any interest liability to the Federal Government on rebate funds for infant formula and other foods if all interest earned by the State on the funds is used for program purposes.”

(q) USE OF UNIVERSAL PRODUCT CODES.—Section 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) (as amended by subsection (p)) is further amended by adding at the end the following new subparagraph:

“(M)(i) The Secretary shall establish pilot projects in at least 1 State, with the consent of the State, to determine the feasibility and cost of requiring States to carry out a system for using universal product codes to assist retail food stores that are vendors under the program in providing the type of infant formula that the participants in the program are authorized to obtain. In carrying out the projects, the Secretary shall determine whether the system reduces the incidence of incorrect redemptions of low-iron formula or brands of infant formula not authorized to be redeemed through the program, or both.

Notification.

“(ii) The Secretary shall provide a notification to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate regarding whether the system is feasible, is cost-effective, reduces the incidence of incorrect redemptions described in clause (i), and results in any additional costs to States.

“(iii) The system shall not require a vendor under the program to obtain special equipment and shall not be applicable to a vendor that does not have equipment that can use universal product codes.”

(r) USE OF UNSPENT NUTRITION SERVICES AND ADMINISTRATION FUNDS.—Section 17(h) of such Act (42 U.S.C. 1786(h)) is amended by adding at the end the following new paragraph:

“(10)(A) For each of fiscal years 1995 through 1998, the Secretary shall use for the purposes specified in subparagraph (B), \$10,000,000 or the amount of nutrition services and administration funds for the prior fiscal year that has not been obligated, whichever is less.

“(B) Funds under subparagraph (A) shall be used for—

“(i) development of infrastructure for the program under this section, including management information systems;

“(ii) special State projects of regional or national significance to improve the services of the program under this section; and

“(iii) special breastfeeding support and promotion projects, including projects to assess the effectiveness of particular

breastfeeding promotion strategies and to develop State or local agency capacity or facilities to provide quality breastfeeding services.”

(s) SPENDBACK FUNDS.—Section 17(i)(3) of such Act (42 U.S.C. 1786(i)(3)) is amended—

(1) in subparagraph (A)(i), by inserting “(except as provided in subparagraph (H))” after “1 percent”; and

(2) by adding at the end the following new subparagraph:
“(H) The Secretary may authorize a State agency to expend not more than 3 percent of the amount of funds allocated to a State under this section for supplemental foods for a fiscal year for expenses incurred under this section for supplemental foods during the preceding fiscal year, if the Secretary determines that there has been a significant reduction in infant formula cost containment savings provided to the State agency that would affect the ability of the State agency to at least maintain the level of participation by eligible participants served by the State agency.”

(t) ELIMINATION OF DUPLICATIVE MIGRANT REPORTS.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(1) in subsection (d)(4), by inserting after “Congress” the following: “and the National Advisory Council on Maternal, Infant, and Fetal Nutrition established under subsection (k)”;

and

(2) by striking subsection (j).

(u) INITIATIVE TO PROVIDE PROGRAM SERVICES AT COMMUNITY AND MIGRANT HEALTH CENTERS.—Section 17 of such Act (42 U.S.C. 1786) (as amended by subsection (t)(2)) is further amended by inserting after subsection (i) the following new subsection:

“(j)(1) The Secretary and the Secretary of Health and Human Services (referred to in this subsection as the ‘Secretaries’) shall jointly establish and carry out an initiative for the purpose of providing both supplemental foods and nutrition education under the special supplemental nutrition program and health care services to low-income pregnant, postpartum, and breastfeeding women, infants, and children at substantially more community health centers and migrant health centers.

“(2) The initiative shall also include—

“(A) activities to improve the coordination of the provision of supplemental foods and nutrition education under the special supplemental nutrition program and health care services at facilities funded by the Indian Health Service; and

“(B) the development and implementation of strategies to ensure that, to the maximum extent feasible, new community health centers, migrant health centers, and other federally supported health care facilities established in medically underserved areas provide supplemental foods and nutrition education under the special supplemental nutrition program.

“(3) The initiative may include—

“(A) outreach and technical assistance for State and local agencies and the facilities described in paragraph (2)(A) and the health centers and facilities described in paragraph (2)(B);

“(B) demonstration projects in selected State or local areas; and

“(C) such other activities as the Secretaries find are appropriate.

Notification.

“(4)(A) Not later than April 1, 1995, the Secretaries shall provide to Congress a notification concerning the actions the Secretaries intend to take to carry out the initiative.

“(B) Not later than July 1, 1996, the Secretaries shall provide to Congress a notification concerning the actions the Secretaries are taking under the initiative or actions the Secretaries intend to take under the initiative as a result of their experience in implementing the initiative.

“(C) On completion of the initiative, the Secretaries shall provide to Congress a notification concerning an evaluation of the initiative by the Secretaries and a plan of the Secretaries to further the goals of the initiative.

“(5) As used in this subsection:

“(A) The term ‘community health center’ has the meaning given the term in section 330(a) of the Public Health Service Act (42 U.S.C. 254c(a)).

“(B) The term ‘migrant health center’ has the meaning given the term in section 329(a)(1) of such Act (42 U.S.C. 254b(a)(1)).”

(v) EXPANSION OF FARMERS’ MARKET NUTRITION PROGRAM.—

(1) MATCHING REQUIREMENT FOR INDIAN STATE AGENCIES.—Section 17(m)(3) of such Act (42 U.S.C. 1786(m)(3)) is amended by adding at the end the following new sentence: “The Secretary may negotiate with an Indian State agency a lower percentage of matching funds than is required under the preceding sentence, but not lower than 10 percent of the total cost of the program, if the Indian State agency demonstrates to the Secretary financial hardship for the affected Indian tribe, band, group, or council.”

(2) EXPANSION.—Section 17(m)(5)(F) of such Act (42 U.S.C. 1786(m)(5)(F)) is amended—

(A) in clause (i), by striking “15 percent” and inserting “17 percent”;

(B) by striking clause (ii) and inserting the following new clause:

“(ii) During any fiscal year for which a State receives assistance under this subsection, the Secretary shall permit the State to use not more than 2 percent of total program funds for market development or technical assistance to farmers’ markets if the Secretary determines that the State intends to promote the development of farmers’ markets in socially or economically disadvantaged areas, or remote rural areas, where individuals eligible for participation in the program have limited access to locally grown fruits and vegetables.”; and

(C) in clause (iii), strike “for the administration of the program”.

(3) CONTINUED FUNDING FOR CERTAIN STATES UNDER FARMERS’ MARKET NUTRITION PROGRAM.—Subparagraph (A) of section 17(m)(6) of such Act (42 U.S.C. 1786(m)(6)(A)) is amended to read as follows:

“(A) The Secretary shall give the same preference for funding under this subsection to eligible States that participated in the program under this subsection in a prior fiscal year as to States that participated in the program in the most recent fiscal year. The Secretary shall inform each State of the award of funds as prescribed by subparagraph (G) by February 15 of each year.”

(4) FUNDING REDUCTION FLOOR.—Section 17(m)(6)(B)(ii) of such Act (42 U.S.C. 1786(m)(6)(B)(ii)) is amended by striking “\$50,000” each place it appears and inserting “\$75,000”.

(5) STATE PLAN SUBMISSION DATE.—Section 17(m)(6)(D)(i) of such Act (42 U.S.C. 1786(m)(6)(D)(i)) is amended by striking “at such time and in such manner as the Secretary may reasonably require” and inserting “by November 15 of each year”.

(6) PERCENTAGE OF ANNUAL APPROPRIATIONS AVAILABLE TO STATES UNDER FARMERS’ MARKET NUTRITION PROGRAM.—Section 17(m)(6)(G) of such Act (42 U.S.C. 1786(m)(6)(G)) is amended—

(A) in the first sentence of clause (i), by striking “45 to 55 percent” and inserting “75 percent”; and

(B) in the first sentence of clause (ii), by striking “45 to 55 percent” and inserting “25 percent”.

(7) DATA COLLECTION REQUIREMENTS.—Section 17(m)(8) of such Act (42 U.S.C. 1786(m)(8)) is amended by striking subparagraphs (D) and (E) and inserting the following new subparagraphs:

“(D) the change in consumption of fresh fruits and vegetables by recipients, if the information is available;

“(E) the effects of the program on farmers’ markets, if the information is available; and”.

(8) EXTENSION OF COUPON PROGRAM.—Section 17(m)(10)(A) of such Act (42 U.S.C. 1786(m)(10)(A)) is amended—

(A) by striking “\$3,000,000 for fiscal year 1992, \$6,500,000 for fiscal year 1993, and”; and

(B) by inserting before the period at the end “, \$10,500,000 for fiscal year 1995, and such sums as may be necessary for each of fiscal years 1996 through 1998”.

(9) ELIMINATION OF FUNDING CARRYOVER PROVISION UNDER FARMERS’ MARKET NUTRITION PROGRAM.—Section 17(m)(10)(B)(i) of such Act (42 U.S.C. 1786(m)(10)(B)(i)) is amended—

(A) in subclause (I), by striking “Except as provided in subclause (II), each” and inserting “Each”; and

(B) in subclause (II), by striking “or may be retained” and all that follows and inserting a period.

(10) ELIMINATION OF REALLOCATION OF UNEXPENDED FUNDS WITH RESPECT TO DEMONSTRATION PROJECTS UNDER FARMERS’ MARKET NUTRITION PROGRAM.—Section 17(m)(10)(B)(ii) of such Act (42 U.S.C. 1786(m)(10)(B)(ii)) is amended by striking the second sentence.

(11) DEFINITION.—Section 17(m)(11)(D) of such Act (42 U.S.C. 1786(m)(11)(D)) is amended by inserting before the period at the end the following: “and any other agency approved by the chief executive officer of the State”.

(12) PROMOTION BY THE SECRETARY.—The Secretary of Agriculture shall promote the use of farmers’ markets by recipients of Federal nutrition programs administered by the Secretary.

(w) CHANGE IN NAME OF PROGRAM.—

(1) IN GENERAL.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(A) by striking the section heading and inserting the following new section heading:

“SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS,
AND CHILDREN”;

(B) in the first sentence of subsection (c)(1), by striking “special supplemental food program” and inserting “special supplemental nutrition program”;

(C) in the second sentence of subsection (k)(1), by striking “special supplemental food program” each place it appears and inserting “special supplemental nutrition program”; and

(D) in subsection (o)(1)(B), by striking “special supplemental food program” and inserting “special supplemental nutrition program”.

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended by striking “special supplemental food program” and inserting “special supplemental nutrition program”.

(B) Section 685(b)(8) of the Individuals with Disabilities Education Act (20 U.S.C. 1484a(b)(8)) is amended by striking “Special Supplemental Food Program for Women, Infants and Children” and inserting “special supplemental nutrition program for women, infants, and children”.

(C) Section 3803(c)(2)(C)(x) of title 31, United States Code, is amended by striking “special supplemental food program” and inserting “special supplemental nutrition program”.

(D) Section 399(b)(6) of the Public Health Service Act (42 U.S.C. 280c-6(b)(6)) is amended by striking “special supplemental food program” and inserting “special supplemental nutrition program”.

(E) Paragraphs (11)(C) and (53)(A) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) are each amended by striking “special supplemental food program” and inserting “special supplemental nutrition program”.

(F) Section 202(b) of the WIC Infant Formula Procurement Act of 1992 (Public Law 102-512; 42 U.S.C. 1786 note) is amended by striking “special supplemental food program” and inserting “special supplemental nutrition program”.

(3) REFERENCES.—Any reference to the special supplemental food program established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) in any provision of law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the special supplemental nutrition program established under such section.

SEC. 205. NUTRITION EDUCATION AND TRAINING PROGRAM.

(a) NAME OF PROGRAM.—Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended by striking “information and education” each place it appears in subsections (b), (c), (d)(1), (f)(1)(G), and (j)(1) and inserting “education and training”.

(b) NUTRITION EDUCATION PROGRAMS.—The second sentence of section 19(c) of such Act (42 U.S.C. 1788(c)) is amended—

(1) in subparagraph (B), by striking “school food service” and inserting “child nutrition program”;

(2) by striking “and” at the end of subparagraph (C); and

(3) by inserting before the period at the end the following: “; and (E) providing information to parents and caregivers regarding the nutritional value of food and the relationship between food and health”.

(c) NUTRITION EDUCATION AND TRAINING.—Section 19(d) of such Act (42 U.S.C. 1788(d)) is amended—

(1) in paragraph (1)(C), by inserting before the period at the end the following: “, and the provision of nutrition education to parents and caregivers”;

(2) in the first sentence of paragraph (4), by striking “educational and school food service personnel” and inserting “educational, school food service, child care, and summer food service personnel”; and

(3) in the first sentence of paragraph (5), by inserting after “schools” the following: “, and in child care institutions and summer food service institutions.”.

(d) USE OF FUNDS.—Section 19(f)(1) of such Act (42 U.S.C. 1788(f)(1)) is amended—

(1) by striking “(f)(1) The funds” and inserting “(f)(1)(A) The funds”;

(2) by striking “for (A) employing” and inserting “for—
“(i) employing”;

(3) by redesignating subparagraphs (B) through (I) as clauses (ii) through (ix), respectively;

(4) by indenting the margins of each of clauses (ii) through (ix) (as redesignated by paragraph (3)) so as to align with the margins of clause (i) (as amended by paragraph (2));

(5) by striking “and” at the end of clause (viii);

(6) by redesignating clause (ix) as clause (xx);

(7) by inserting after clause (viii) the following new clauses:
“(ix) providing funding for a nutrition component that can be offered in consumer and homemaking education programs as well as in the health education curriculum offered to children in kindergarten through grade 12;

“(x) instructing teachers, school administrators, or other school staff on how to promote better nutritional health and to motivate children from a variety of linguistic and cultural backgrounds to practice sound eating habits;

“(xi) developing means of providing nutrition education in language appropriate materials to children and families of children through after-school programs;

“(xii) training in relation to healthy and nutritious meals;

“(xiii) creating instructional programming, including language appropriate materials and programming, for teachers, school food service personnel, and parents on the relationships between nutrition and health and the role of the Food Guide Pyramid established by the Secretary;

“(xiv) funding aspects of the Strategic Plan for Nutrition and Education issued by the Secretary;

“(xv) encouraging public service advertisements, including language appropriate materials and advertisements, to promote healthy eating habits for children;

“(xvi) coordinating and promoting nutrition education and training activities in local school districts (incorporating, to the maximum extent practicable, as a learning laboratory, child nutrition programs);

“(xvii) contracting with public and private nonprofit educational institutions for the conduct of nutrition education instruction and programs relating to the purpose of this section;

“(xviii) increasing public awareness of the importance of breakfasts for providing the energy necessary for the cognitive development of school-age children;

“(xix) coordinating and promoting nutrition education and training activities carried out under child nutrition programs, including the summer food service program for children established under section 13 of the National School Lunch Act (42 U.S.C. 1761) and the child and adult care food program established under section 17 of such Act (42 U.S.C. 1766); and”;

and

(8) by adding at the end the following new subparagraph:
 “(B) As used in this paragraph, the term ‘language appropriate’ used with respect to materials, programming, or advertisements means materials, programming, or advertisements, respectively, using a language other than the English language in a case in which the language is dominant for a large percentage of individuals participating in the program.”.

(e) ADMINISTRATIVE PURPOSES.—Section 19(f) of such Act (42 U.S.C. 1788(f)) is amended by striking paragraph (3) and inserting the following new paragraph:

“(3) A State agency may use an amount equal to not more than 15 percent of the funds made available through a grant under this section for expenditures for administrative purposes in connection with the program authorized under this section if the State makes available at least an equal amount for administrative or program purposes in connection with the program.”.

(f) STATE COORDINATORS FOR NUTRITION; STATE PLAN.—Section 19(h) of such Act (42 U.S.C. 1788(h)) is amended—

(1) in the first sentence of paragraph (2), by inserting “and training” after “education”; and

(2) in the third sentence of paragraph (3)—

(A) by striking “and” at the end of subparagraph (D); and

(B) by inserting before the period at the end the following: “; and (F) a comprehensive plan for providing nutrition education during the first fiscal year beginning after the submission of the plan and the succeeding 4 fiscal years”.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 19(i)(2)(A) of such Act (42 U.S.C. 1788(i)(2)(A)) is amended to read as follows:

“(A) Out of any moneys in the Treasury not otherwise appropriated, and in addition to any amounts otherwise made available for fiscal year 1995, the Secretary of the Treasury shall provide to the Secretary \$1,000 for fiscal year 1995 and \$10,000,000 for fiscal year 1996 and each succeeding fiscal year for making grants under this section to each State for the conduct of nutrition education and training programs. The Secretary shall be entitled to receive the funds and shall accept the funds.”.

(h) AVAILABILITY OF FUNDS.—Section 19(i) of such Act (42 U.S.C. 1788(i)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) Funds made available to any State under this section shall remain available to the State for obligation in the fiscal

year succeeding the fiscal year in which the funds were received by the State.”.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CONSOLIDATION OF SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM INTO COMPREHENSIVE MEAL PROGRAM.

42 USC 1751
note.

(a) IN GENERAL.—Notwithstanding any provision of National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except as otherwise provided in this section, the Secretary of Agriculture shall, not later than 18 months after the date of enactment of this Act, develop and implement regulations to consolidate the school lunch program under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) into a comprehensive meal program.

(b) REQUIREMENTS.—In establishing the comprehensive meal program under subsection (a), the Secretary shall meet the following requirements:

(1) The Secretary shall ensure that the program continues to serve children who are eligible for free and reduced price meals. The meals shall meet the nutritional requirements of section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) and section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)).

(2) The Secretary shall continue to make breakfast assistance payments in accordance with section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and food assistance payments in accordance with the National School Lunch Act (42 U.S.C. 1751 et seq.).

(3) The Secretary may not consolidate any aspect of the school lunch program or the school breakfast program with respect to any matter described in any of subparagraphs (A) through (N) of section 12(l)(4) of the National School Lunch Act (42 U.S.C. 1760(l)(4)).

(c) PLAN AND RECOMMENDATIONS.—

(1) PLAN FOR CONSOLIDATION AND SIMPLIFICATION.—Not later than 180 days prior to implementing the regulations described in subsection (a), the Secretary shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan for the consolidation and simplification of the school lunch program and the school breakfast program.

(2) RECOMMENDATIONS WITH RESPECT TO CHANGE IN PAYMENT AMOUNTS.—If the Secretary proposes to change the amount of the breakfast assistance payment or the food assistance payment under the comprehensive meal program, the Secretary shall not include the change in the consolidation and shall prepare and submit to the Committee on Education and Labor, and the Committee on Agriculture, of the House of Representatives and the Committee on Agriculture, Nutri-

tion, and Forestry of the Senate recommendations for legislation to effect the change.

42 USC 1751
note.

SEC. 302. STUDY AND REPORT RELATING TO USE OF PRIVATE FOOD ESTABLISHMENTS AND CATERERS UNDER SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM.

(a) **STUDY.**—The Comptroller General of the United States, in conjunction with the Director of the Office of Technology Assessment, shall conduct a study on the use of private food establishments and caterers by schools that participate in the school lunch program under the National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773). In conducting the study, the Comptroller General of the United States shall—

(1) examine the extent to which, manner in which, and terms under which the private food establishments and caterers supply meals and food to students and schools that participate in the school lunch program or the school breakfast program;

(2) determine the nutritional profile of all foods provided to students during school hours;

(3) evaluate the impact that the services provided by the establishments and caterers have on local child nutrition programs and the ability of the establishments and caterers to utilize the commodities under section 14 of the National School Lunch Act (42 U.S.C. 1762a); and

(4) examine the impact that private food establishments and caterers have on—

(A) student participation in the national school lunch program;

(B) school food service employment;

(C) generation of revenues through school lunch sales and a la carte sales of food in schools; and

(D) the number of students leaving schools during lunch periods.

(b) **REPORT.**—Not later than September 1, 1996, the Comptroller General of the United States 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 report that contains the findings, determinations, and evaluations of the study conducted pursuant to subsection (a).

SEC. 303. AMENDMENT TO COMMODITY DISTRIBUTION REFORM ACT AND WIC AMENDMENTS OF 1987.

Section 3(h)(3) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100-237; 7 U.S.C. 612c note) is amended—

(1) by striking “Hawaii,”; and

(2) by adding at the end the following new sentence: “The requirement established in paragraph (1) shall apply to recipient agencies in Hawaii only with respect to the purchase of pineapples.”

42 USC 1762a
note.

SEC. 304. STUDY OF THE EFFECT OF COMBINING FEDERALLY DONATED AND FEDERALLY INSPECTED MEAT OR POULTRY.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study on the incidence and the effect of States restricting

or prohibiting a legally contracted commercial entity from physically combining federally donated and inspected meat or poultry from another State.

(b) REPORT.—Not later than September 1, 1996, the Comptroller General of the United States 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 report that describes the findings, determinations, and evaluations of the study conducted pursuant to subsection (a).

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

42 USC 1755
note.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on October 1, 1994.

Approved November 2, 1994.

LEGISLATIVE HISTORY—S. 1614:

SENATE REPORTS: No. 103-300 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 140 (1994):

Aug. 12, 25, considered and passed Senate.
Oct. 4, 5, considered and passed House, amended.
Oct. 6, Senate concurred in House amendment.