

In the House of Representatives, U. S.,

October 5, 1994.

Resolved, That the bill from the Senate (S. 1614) entitled “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”, do pass with the following

AMENDMENT:

Strike out all after the resolving clause and insert:

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

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

4 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
5 *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.*
 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.*

1 SEC. 2. FINDINGS.

2 Congress finds that—

3 (1) *undernutrition can permanently retard phys-*
 4 *ical growth, brain development, and cognitive func-*
 5 *tioning of children;*

6 (2) *the longer a child's nutritional, emotional,*
 7 *and educational needs go unmet, the greater the likeli-*
 8 *hood of cognitive impairment;*

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

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

10 **SEC. 3. SENSE OF CONGRESS.**

11 *It is the sense of Congress that—*

12 (1) *funds should be made available for child nu-*
13 *trition programs to remove barriers to the participa-*
14 *tion of needy children in the school lunch program,*
15 *school breakfast program, summer food service pro-*
16 *gram for children, and the child and adult care food*
17 *program under the National School Lunch Act (42*
18 *U.S.C. 1751 et seq.) and the Child Nutrition Act of*
19 *1966 (42 U.S.C. 1771 et seq.);*

20 (2) *the Secretary of Agriculture should take ac-*
21 *tions to further strengthen the efficiency of child nu-*
22 *trition programs by streamlining administrative re-*
23 *quirements to reduce the administrative burden on*
24 *participating schools and other meal providers; and*

1 (3) as a part of efforts to continue to serve nutri-
2 tious meals to youths in the United States and to
3 educate the general public regarding health and nu-
4 trition issues, the Secretary of Agriculture should take
5 actions to coordinate the nutrition education efforts of
6 all nutrition programs.

7 **TITLE I—AMENDMENTS TO**
8 **NATIONAL SCHOOL LUNCH ACT**

9 **SEC. 101. PURCHASE OF FRESH FRUITS AND VEGETABLES.**

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

12 (1) in the second sentence, by striking “Any
13 school” and inserting “Except as provided in the next
14 2 sentences, any school”; and

15 (2) by inserting after the second sentence the fol-
16 lowing new sentences: “Any school food authority
17 may refuse some or all of the fresh fruits and vegeta-
18 bles offered to the school food authority in any school
19 year and shall receive, in lieu of the offered fruits and
20 vegetables, other more desirable fresh fruits and vege-
21 tables that are at least equal in value to the fresh
22 fruits and vegetables refused by the school food au-
23 thority. The value of any fresh fruits and vegetables
24 refused by a school under the preceding sentence for
25 a school year shall not be used to determine the 20

1 *percent of the total value of agricultural commodities*
2 *and other foods tendered to the school food authority*
3 *in the school year under the second sentence.”.*

4 ***SEC. 102. DELIVERY OF COMMODITIES.***

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

8 *“(b) The Secretary shall deliver, to each State partici-*
9 *pating in the school lunch program under this Act, com-*
10 *modities valued at the total level of assistance authorized*
11 *under subsection (c) for each school year for the school lunch*
12 *program in the State, not later than September 30 of the*
13 *following school year.”.*

14 ***SEC. 103. REQUIREMENT OF MINIMUM PERCENTAGE OF***
15 ***COMMODITY ASSISTANCE.***

16 *Section 6 of the National School Lunch Act (42 U.S.C.*
17 *1755) is amended by adding at the end the following new*
18 *subsection:*

19 *“(g)(1) Subject to paragraph (2), in each school year*
20 *the Secretary shall ensure that not less than 12 percent of*
21 *the assistance provided under section 4, this section, and*
22 *section 11 shall be in the form of commodity assistance pro-*
23 *vided under this section, including cash in lieu of commod-*
24 *ities and administrative costs for procurement of commod-*
25 *ities under this section.*

1 “(2) If amounts available to carry out the require-
2 ments of the sections described in paragraph (1) are insuffi-
3 cient to meet the requirement contained in paragraph (1)
4 for a school year, the Secretary shall, to the extent nec-
5 essary, use the authority provided under section 14(a) to
6 meet the requirement for the school year.”.

7 **SEC. 104. COMBINED FEDERAL AND STATE COMMODITY**
8 **PURCHASES.**

9 Section 7 of the National School Lunch Act (42 U.S.C.
10 1756) is amended by adding at the end the following new
11 subsection:

12 “(d) Notwithstanding any other provision of law, the
13 Secretary may enter into an agreement with a State agen-
14 cy, acting on the request of a school food service authority,
15 under which funds payable to the State under section 4 or
16 11 may be used by the Secretary for the purpose of purchas-
17 ing commodities for use by the school food service authority
18 in meals served under the school lunch program under this
19 Act.”.

20 **SEC. 105. TECHNICAL ASSISTANCE TO ENSURE COMPLI-**
21 **ANCE WITH NUTRITIONAL REQUIREMENTS.**

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

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

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

3 “(B) The Secretary shall provide technical assistance
4 and training, including technical assistance and training
5 in the preparation of lower-fat versions of foods commonly
6 used in the school lunch program under this Act, to schools
7 participating in the school lunch program to assist the
8 schools in complying with the nutritional requirements pre-
9 scribed by the Secretary pursuant to subparagraph (A) and
10 in providing appropriate meals to children with medically
11 certified special dietary needs. The Secretary shall provide
12 additional technical assistance to schools that are having
13 difficulty maintaining compliance with the requirements.”.

14 (b) *SUMMER FOOD SERVICE PROGRAM FOR CHIL-*
15 *DREN.*—Section 13(f) of such Act (42 U.S.C. 1761(f)) is
16 amended—

17 (1) by inserting after the first sentence the fol-
18 lowing new sentences: “The Secretary shall provide
19 technical assistance to service institutions and private
20 nonprofit organizations participating in the program
21 to assist the institutions and organizations in com-
22 plying with the nutritional requirements prescribed
23 by the Secretary pursuant to this subsection. The Sec-
24 retary shall provide additional technical assistance to
25 those service institutions and private nonprofit orga-

1 *nizations that are having difficulty maintaining com-*
 2 *pliance with the requirements.”; and*

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

6 *(c) CHILD AND ADULT CARE FOOD PROGRAM.—Sec-*
 7 *tion 17(g)(1) of such Act (42 U.S.C. 1766(g)(1)) is*
 8 *amended—*

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

10 *(2) by adding at the end the following new sub-*
 11 *paragraph:*

12 *“(B) The Secretary shall provide technical assistance*
 13 *to those institutions participating in the program under*
 14 *this section to assist the institutions and family or group*
 15 *day care home sponsoring organizations in complying with*
 16 *the nutritional requirements prescribed by the Secretary*
 17 *pursuant to subparagraph (A). The Secretary shall provide*
 18 *additional technical assistance to those institutions and*
 19 *family or group day care home sponsoring organizations*
 20 *that are having difficulty maintaining compliance with the*
 21 *requirements.”.*

22 **SEC. 106. NUTRITIONAL AND OTHER PROGRAM REQUIRE-**
 23 **MENTS.**

24 *(a) MINIMUM NUTRITIONAL REQUIREMENTS BASED*
 25 *ON WEEKLY AVERAGE OF NUTRIENT CONTENT OF SCHOOL*

1 LUNCHES.—Section 9(a)(1)(A) of the National School
2 Lunch Act (42 U.S.C. 1758(a)(1)(A)) (as amended by sec-
3 tion 105(a)) is further amended—

4 (1) by striking “; except that such minimum nu-
5 tritional requirements shall not” and inserting “, ex-
6 cept that the minimum nutritional requirements—

7 “(i) shall not”;

8 (2) by striking the period at the end and insert-
9 ing “; and”; and

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

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

15 (b) DIETARY GUIDELINES FOR AMERICANS.—Section
16 9 of such Act (42 U.S.C. 1758) is amended by adding at
17 the end the following new subsection:

18 “(f)(1) Not later than the first day of the 1996–97
19 school year, the Secretary, State educational agencies,
20 schools, and school food service authorities shall, to the max-
21 imum extent practicable, inform students who participate
22 in the school lunch and school breakfast programs, and par-
23 ents and guardians of the students, of—

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

1 “(B) *the consistency of the lunches and break-*
2 *fasts with the guidelines contained in the most recent*
3 *‘Dietary Guidelines for Americans’ that is published*
4 *under section 301 of the National Nutrition Monitor-*
5 *ing and Related Research Act of 1990 (7 U.S.C.*
6 *5341) (referred to in this subsection as the ‘Guide-*
7 *lines’), including the consistency of the lunches and*
8 *breakfasts with the guideline for fat content.*

9 “(2)(A) *Except as provided in subparagraph (B), not*
10 *later than the first day of the 1996–97 school year, schools*
11 *that are participating in the school lunch or school break-*
12 *fast program shall serve lunches and breakfasts under the*
13 *programs that are consistent with the Guidelines (as meas-*
14 *ured in accordance with subsection (a)(1)(A)(ii) and section*
15 *4(e)(i)).*

16 “(B) *State educational agencies may grant waivers*
17 *from the requirements of subparagraph (A) subject to cri-*
18 *teria established by the appropriate State educational agen-*
19 *cy. The waivers shall not permit schools to implement the*
20 *requirements later than July 1, 1998, or a later date deter-*
21 *mined by the Secretary.*

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

24 “(i) *shall—*

1 “(I) develop, and provide to schools, stand-
2 ardized recipes, menu cycles, and food product
3 specification and preparation techniques; and

4 “(II) provide to schools information regard-
5 ing nutrient standard menu planning, assisted
6 nutrient standard menu planning, and food-
7 based menu systems; and

8 “(ii) may provide to schools information regard-
9 ing other approaches, as determined by the Secretary.

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

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

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

1 **SEC. 107. NUTRITIONAL REQUIREMENTS RELATING TO PRO-**
2 **VISION OF MILK.**

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

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

7 *“(i) shall offer students fluid milk; and*

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

13 *“(B)(i) The Secretary shall purchase in each calendar*
14 *year to carry out the school lunch program under this Act,*
15 *and the school breakfast program under section 4 of the*
16 *Child Nutrition Act of 1966 (42 U.S.C. 1773), lowfat cheese*
17 *on a bid basis in a quantity that is the milkfat equivalent*
18 *of the quantity of milkfat the Secretary estimates the Com-*
19 *modity Credit Corporation will purchase each calendar*
20 *year as a result of the elimination of the requirement that*
21 *schools offer students fluid whole milk and fluid unflavored*
22 *lowfat milk, based on data provided by the Director of Of-*
23 *fice of Management and Budget.*

24 *“(ii) Not later than 30 days after the Secretary pro-*
25 *vides an estimate required under clause (i), the Director*
26 *of the Congressional Budget Office shall provide to the ap-*

1 *appropriate committees of Congress a report on whether the*
2 *Director concurs with the estimate of the Secretary.*

3 “(iii) *The quantity of lowfat cheese that is purchased*
4 *under this subparagraph shall be in addition to the quan-*
5 *tity of cheese that is historically purchased by the Secretary*
6 *to carry out school feeding programs. The Secretary shall*
7 *take such actions as are necessary to ensure that purchases*
8 *under this subparagraph shall not displace commercial pur-*
9 *chases of cheese by schools.’’.*

10 **SEC. 108. USE OF FREE AND REDUCED PRICE MEAL ELIGI-**
11 **BILITY INFORMATION.**

12 *Section 9(b)(2)(C) of the National School Lunch Act*
13 *(42 U.S.C. 1758(b)(2)(C)) is amended by striking clause*
14 *(iii) and inserting the following new clauses:*

15 “(iii) *The use or disclosure of any information ob-*
16 *tained from an application for free or reduced price meals,*
17 *or from a State or local agency referred to in clause (ii),*
18 *shall be limited to—*

19 “(I) *a person directly connected with the admin-*
20 *istration or enforcement of this Act or the Child Nu-*
21 *trition Act of 1966 (42 U.S.C. 1771 et seq.), or a reg-*
22 *ulation issued pursuant to either Act;*

23 “(II) *a person directly connected with the ad-*
24 *ministration or enforcement of—*

25 “(aa) *a Federal education program;*

1 “(bb) a State health or education program
2 administered by the State or local educational
3 agency (other than a program carried out under
4 title XIX of the Social Security Act (42 U.S.C.
5 1396 et seq.)); or

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

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

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

18 “(iv) Information provided under clause (iii)(II) shall
19 be limited to the income eligibility status of the child for
20 whom application for free or reduced price meal benefits
21 was made or for whom eligibility information was provided
22 under clause (ii), unless the consent of the parent or guard-
23 ian of the child for whom application for benefits was made
24 is obtained.

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

7 **SEC. 109. AUTOMATIC ELIGIBILITY OF HEAD START PAR-**
8 **TICIPANTS.**

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

11 (1) in subparagraph (A)—

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

14 (B) in clause (i)—

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

17 (ii) by striking “or” at the end;

18 (C) in clause (ii)—

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

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

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

1 “(iii) enrolled as a participant in a Head Start
2 program authorized under the Head Start Act (42
3 U.S.C. 9831 et seq.), on the basis of a determination
4 that the child is a member of a family that meets the
5 low-income criteria prescribed under section
6 645(a)(1)(A) of the Head Start Act (42 U.S.C.
7 9840(a)(1)(A)).”; and

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

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

17 “(5) A child shall be considered automatically eligible
18 for benefits under this section without further application
19 or eligibility determination, if the child is enrolled as a par-
20 ticipant in a Head Start program authorized under the
21 Head Start Act (42 U.S.C. 9831 et seq.), on the basis of
22 a determination that the child is a member of a family that
23 meets the low-income criteria prescribed under section
24 645(a)(1)(A) of the Head Start Act (42 U.S.C.
25 9840(a)(1)(A)).”.

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

3 **SEC. 110. USE OF NUTRITION EDUCATION AND TRAINING**
4 **PROGRAM RESOURCES.**

5 *Section 9 of the National School Lunch Act (42 U.S.C.*
6 *1758) (as amended by section 106(c)) is further amended*
7 *by adding at the end the following new subsection:*

8 “(h) *In carrying out this Act and the Child Nutrition*
9 *Act of 1966 (42 U.S.C. 1771 et seq.), a State educational*
10 *agency may use resources provided through the nutrition*
11 *education and training program authorized under section*
12 *19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) for*
13 *training aimed at improving the quality and acceptance*
14 *of school meals.”.*

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

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

20 (1) *by inserting “(A)” after “(1)”;*

21 (2) *in the second sentence, by striking “In the*
22 *case of” and inserting the following:*

23 “(B) *Except as provided in subparagraph (C), (D), or*
24 *(E), in the case of”;* and

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

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

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

14 “(II) pays, from sources other than Federal
15 funds, for the costs of serving the lunches or breakfasts
16 that are in excess of the value of assistance received
17 under this Act and the Child Nutrition Act of 1966
18 (42 U.S.C. 1771 et seq.) with respect to the number
19 of lunches or breakfasts served during the period;
20 special assistance payments shall be paid to the State edu-
21 cational agency with respect to the school during the period
22 on the basis of the number of lunches or breakfasts deter-
23 mined under clause (ii) or (iii).

24 “(ii) For purposes of making special assistance pay-
25 ments under clause (i), except as provided in clause (iii),

1 *the number of lunches or breakfasts served by a school to*
2 *children who are eligible for free lunches or breakfasts or*
3 *reduced price lunches or breakfasts during each school year*
4 *of the 3-school-year period shall be considered to be equal*
5 *to the number of lunches or breakfasts served by the school*
6 *to children eligible for free lunches or breakfasts or reduced*
7 *price lunches or breakfasts during the first school year of*
8 *the period.*

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

14 “(D)(i) *In the case of any school that, on the date of*
15 *enactment of this subparagraph, is receiving special assist-*
16 *ance payments under this paragraph for a 3-school-year pe-*
17 *riod described in subparagraph (C), the State may grant,*
18 *at the end of the 3-school-year period, an extension of the*
19 *period for an additional 2 school years, if the State deter-*
20 *mines, through available socioeconomic data approved by*
21 *the Secretary, that the income level of the population of the*
22 *school has remained stable.*

23 “(ii) *A school described in clause (i) may reapply to*
24 *the State at the end of the 2-school-year period described*
25 *in clause (i) for the purpose of continuing to receive special*

1 *assistance payments, as determined in accordance with this*
2 *paragraph, for a subsequent 5-school-year period. The school*
3 *may reapply to the State at the end of the 5-school-year*
4 *period, and at the end of each 5-school-year period there-*
5 *after for which the school receives special assistance pay-*
6 *ments under this paragraph, for the purpose of continuing*
7 *to receive the payments for a subsequent 5-school-year*
8 *period.*

9 “(iii) *If the Secretary determines after considering the*
10 *best available socioeconomic data that the income level of*
11 *families of children enrolled in a school has not remained*
12 *stable, the Secretary may require the submission of applica-*
13 *tions for free and reduced price lunches, or for free and re-*
14 *duced price lunches and breakfasts, in the first school year*
15 *of any 5-school-year period for which the school receives spe-*
16 *cial assistance payments under this paragraph, for the pur-*
17 *pose of calculating the special assistance payments.*

18 “(iv) *For the purpose of updating information and re-*
19 *imbursement levels, a school described in clause (i) that car-*
20 *ries out a school lunch or school breakfast program may*
21 *at any time require submission of applications for free and*
22 *reduced price lunches or for free and reduced price lunches*
23 *and breakfasts.*

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

1 “(I) elects to serve all children in the school free
2 lunches under the school lunch program during any
3 period of 4 successive school years, or in the case of
4 a school that serves both lunches and breakfasts, elects
5 to serve all children in the school free lunches and free
6 breakfasts under the school lunch program and the
7 school breakfast program during any period of 4 suc-
8 cessive school years; and

9 “(II) pays, from sources other than Federal
10 funds, for the costs of serving the lunches or breakfasts
11 that are in excess of the value of assistance received
12 under this Act and the Child Nutrition Act of 1966
13 (42 U.S.C. 1771 et seq.) with respect to the number
14 of lunches or breakfasts served during the period;
15 total Federal cash reimbursements and total commodity as-
16 sistance shall be provided to the State educational agency
17 with respect to the school at a level that is equal to the
18 total Federal cash reimbursements and total commodity as-
19 sistance received by the school in the last school year for
20 which the school accepted applications under the school
21 lunch or school breakfast program, adjusted annually for
22 inflation in accordance with paragraph (3)(B) and for
23 changes in enrollment, to carry out the school lunch or
24 school breakfast program.

1 “(ii) A school described in clause (i) may reapply to
2 the State at the end of the 4-school-year period described
3 in clause (i), and at the end of each 4-school-year period
4 thereafter for which the school receives reimbursements and
5 assistance under this subparagraph, for the purpose of con-
6 tinuing to receive the reimbursements and assistance for a
7 subsequent 4-school-year period. The State may approve an
8 application under this clause if the State determines,
9 through available socioeconomic data approved by the Sec-
10 retary, that the income level of the population of the school
11 has remained consistent with the income level of the popu-
12 lation of the school in the last school year for which the
13 school accepted the applications described in clause (i).

14 “(iii) Not later than 1 year after the date of enactment
15 of this subparagraph, the Secretary shall evaluate the effects
16 of this subparagraph and notify the Committee on Edu-
17 cation and Labor of the House of Representatives and the
18 Committee on Agriculture, Nutrition, and Forestry of the
19 Senate of the results of the evaluation.”.

20 **SEC. 112. MISCELLANEOUS PROVISIONS AND DEFINITIONS.**

21 (a) *TECHNICAL AMENDMENT TO DEFINITION OF*
22 *SCHOOL.*—

23 (1) *IN GENERAL.*—Section 12(d)(5) of the Na-
24 tional School Lunch Act (42 U.S.C. 1760(d)(5)) is
25 amended—

1 (A) in the first sentence—

2 (i) in clause (A), by inserting “and” at
3 the end;

4 (ii) in clause (B), by striking “, and”
5 and inserting a period; and

6 (iii) by striking clause (C); and

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

9 (2) *EFFECTIVE DATE.*—The amendments made
10 by paragraph (1) shall become effective on October 1,
11 1995.

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

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

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

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

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

6 (c) *EXPEDITED RULEMAKING.*—Section 12 of such Act
7 (42 U.S.C. 1760) (as amended by subsection (b)) is further
8 amended by adding at the end the following new subsection:

9 “(k)(1) Prior to the publication of final regulations
10 that implement changes that are intended to bring the meal
11 pattern requirements of the school lunch and breakfast pro-
12 grams into conformance with the guidelines contained in
13 the most recent ‘Dietary Guidelines for Americans’ that is
14 published under section 301 of the National Nutrition Mon-
15 itoring and Related Research Act of 1990 (7 U.S.C. 5341)
16 (referred to in this subsection as the ‘Guidelines’), the Sec-
17 retary shall issue proposed regulations permitting the use
18 of food-based menu systems.

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

24 “(A) representatives of affected parties, such as
25 Federal, State, and local administrators, school food

1 *service administrators, other school food service per-*
2 *sonnel, parents, and teachers; and*

3 *“(B) organizations representing affected parties,*
4 *such as public interest antihunger organizations, doc-*
5 *tors specializing in pediatric nutrition, health and*
6 *consumer groups, commodity groups, food manufac-*
7 *turers and vendors, and nutritionists involved with*
8 *the implementation and operation of programs under*
9 *this Act and the Child Nutrition Act of 1966 (42*
10 *U.S.C. 1771 et seq.);*

11 *to discuss and obtain public comments on the proposed rule.*

12 *“(3) Not later than June 1, 1995, the Secretary shall*
13 *issue final regulations to conform the nutritional require-*
14 *ments of the school lunch and breakfast programs with the*
15 *Guidelines. The final regulations shall include—*

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

18 *“(B) adjustments to the rule on nutrition objec-*
19 *tives for school meals published in the Federal Reg-*
20 *ister on June 10, 1994 (59 Fed. Reg. 30218).*

21 *“(4) No school food service authority shall be required*
22 *to implement final regulations issued pursuant to this sub-*
23 *section until the regulations have been final for at least 1*
24 *year.*

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

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

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

14 “(i) *the Secretary determines that the waiver of*
15 *the requirement would facilitate the ability of the*
16 *State or eligible service provider to carry out the pur-*
17 *pose of the program;*

18 “(ii) *the State or eligible service provider has*
19 *provided notice and information to the public regard-*
20 *ing the proposed waiver; and*

21 “(iii) *the State or eligible service provider dem-*
22 *onstrates to the satisfaction of the Secretary that the*
23 *waiver will not increase the overall cost of the pro-*
24 *gram to the Federal Government, and, if the waiver*

1 *does increase the overall cost to the Federal Govern-*
2 *ment, the cost will be paid from non-Federal funds.*

3 *“(B) The notice and information referred to in sub-*
4 *paragraph (A)(ii) shall be provided in the same manner*
5 *in which the State or eligible service provider customarily*
6 *provides similar notices and information to the public.*

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

11 *“(i) identifies the statutory or regulatory re-*
12 *quirements that are requested to be waived;*

13 *“(ii) in the case of a State requesting a waiver,*
14 *describes actions, if any, that the State has under-*
15 *taken to remove State statutory or regulatory bar-*
16 *riers;*

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

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

23 *“(v) describes the management goals to be*
24 *achieved, such as fewer hours devoted to, or fewer*

1 *number of personnel involved in, the administration*
2 *of the program;*

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

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

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

13 “(3)(A) *The Secretary shall act promptly on a waiver*
14 *request contained in an application submitted under para-*
15 *graph (2) and shall either grant or deny the request. The*
16 *Secretary shall state in writing the reasons for granting*
17 *or denying the request.*

18 “(B) *If the Secretary grants a waiver request, the Sec-*
19 *retary shall state in writing the expected outcome of grant-*
20 *ing the waiver.*

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

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

4 “(ii) *The Secretary may extend the period if the Sec-*
5 *retary determines that the waiver has been effective in ena-*
6 *bling the State or eligible service provider to carry out the*
7 *purposes of the program.*

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

10 “(A) *the nutritional content of meals served;*

11 “(B) *Federal reimbursement rates;*

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

14 “(D) *offer versus serve provisions;*

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

17 “(F) *maintenance of effort;*

18 “(G) *equitable participation of children in pri-*
19 *vate schools;*

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

1 “(I) the disclosure of information relating to stu-
2 dents receiving free or reduced price meals and other
3 recipients of benefits;

4 “(J) prohibiting the operation of a profit pro-
5 ducing program;

6 “(K) the sale of competitive foods;

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

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

12 “(N) enforcement of any constitutional or statu-
13 tory right of an individual, including any right
14 under—

15 “(i) title VI of the Civil Rights Act of 1964
16 (42 U.S.C. 2000d et seq.);

17 “(ii) section 504 of the Rehabilitation Act of
18 1973 (29 U.S.C. 794);

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

21 “(iv) the Age Discrimination Act of 1975
22 (42 U.S.C. 6101 et seq.);

23 “(v) the Americans with Disabilities Act of
24 1990 (42 U.S.C. 12101 et seq.); and

1 “(vi) *the Individuals with Disabilities Edu-*
2 *cation Act (20 U.S.C. 1400 et seq.).*

3 “(5) *The Secretary shall periodically review the per-*
4 *formance of any State or eligible service provider for which*
5 *the Secretary has granted a waiver under this subsection*
6 *and shall terminate the waiver if the performance of the*
7 *State or service provider has been inadequate to justify a*
8 *continuation of the waiver. The Secretary shall terminate*
9 *the waiver if, after periodic review, the Secretary deter-*
10 *mines that the waiver has resulted in an increase in the*
11 *overall cost of the program to the Federal Government and*
12 *the increase has not been paid for in accordance with para-*
13 *graph (1)(A)(iii).*

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

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

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

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

1 “(B) The Secretary shall annually submit to the Com-
 2 mittee on Education and Labor of the House of Representa-
 3 tives and the Committee on Agriculture, Nutrition, and
 4 Forestry of the Senate, a report—

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

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

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

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

14 “(7) As used in this subsection, the term ‘eligible serv-
 15 ice provider’ means—

16 “(A) a local school food service authority;

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

19 “(C) a family or group day care home sponsor-
 20 ing organization described in section 17.”.

21 **SEC. 113. FOOD AND NUTRITION PROJECTS.**

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

1 “(m)(1) *The Secretary, acting through the Adminis-*
2 *trator of the Food and Nutrition Service or through the Ex-*
3 *tension Service, shall award on an annual basis grants to*
4 *a private nonprofit organization or educational institution*
5 *in each of 3 States to create, operate, and demonstrate food*
6 *and nutrition projects that are fully integrated with ele-*
7 *mentary school curricula.*

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

10 “(A) *assist local schools and educators in offer-*
11 *ing food and nutrition education that integrates*
12 *math, science, and verbal skills in the elementary*
13 *grades;*

14 “(B) *assist local schools and educators in teach-*
15 *ing agricultural practices through practical applica-*
16 *tions, like gardening;*

17 “(C) *create community service learning opportu-*
18 *nities or educational programs;*

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

21 “(E) *be sponsored by an organization or institu-*
22 *tion, or be an organization or institution, that pro-*
23 *vides information, or conducts other educational ef-*
24 *forts, concerning the success and productivity of*
25 *American agriculture and the importance of the free*

1 *enterprise system to the quality of life in the United*
2 *States; and*

3 *“(F) be able to provide model curricula, exam-*
4 *ples, advice, and guidance to schools, community*
5 *groups, States, and local organizations regarding*
6 *means of carrying out similar projects.*

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

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

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

19 **SEC. 114. SUMMER FOOD SERVICE PROGRAM FOR CHIL-**
20 **DREN.**

21 *(a) PRIORITY REQUIREMENTS FOR DETERMINING*
22 *PARTICIPATION OF CERTAIN ELIGIBLE SERVICE INSTITU-*
23 *TIONS.—Section 13(a)(4) of the National School Lunch Act*
24 *(42 U.S.C. 1761(a)(4)) is amended by striking subpara-*

1 *graphs (A) through (F) and inserting the following new sub-*
2 *paragraphs:*

3 “(A) *Local schools.*

4 “(B) *All other service institutions and private*
5 *nonprofit organizations eligible under paragraph (7)*
6 *that have demonstrated successful program perform-*
7 *ance in a prior year.*

8 “(C) *New public institutions.*

9 “(D) *New private nonprofit organizations eligi-*
10 *ble under paragraph (7).”.*

11 **(b) ELIMINATION OF 1-YEAR WAITING PERIOD WITH**
12 **RESPECT TO PARTICIPATION OF PRIVATE NONPROFIT OR-**
13 **GANIZATIONS IN CERTAIN AREAS UNDER THE PROGRAM.—**
14 *Section 13(a)(7) of such Act (42 U.S.C. 1761(a)(7)) is*
15 *amended by striking subparagraph (C).*

16 **(c) NON-SCHOOL SITES.—***Section 13(c)(1) of such Act*
17 *(42 U.S.C. 1761(c)(1)) is amended by inserting before the*
18 *period at the end the following: “or that provide meal serv-*
19 *ice at non-school sites to children who are not in school for*
20 *a period during the months of October through April due*
21 *to a natural disaster, building repair, court order, or simi-*
22 *lar cause”.*

23 **(d) REGISTERED FOOD SERVICE MANAGEMENT COM-**
24 **PANY REPORTS.—***Section 13(l)(3) of such Act (42 U.S.C.*
25 *1761(l)(3)) is amended by striking “and their program*

1 *record” and inserting “that have been seriously deficient*
2 *in their participation in the program and may maintain*
3 *a record of other registered food service management compa-*
4 *nies,”.*

5 *(e) MANAGEMENT AND ADMINISTRATION PLAN.—Section*
6 *13(n) of such Act (42 U.S.C. 1761(n)) is amended—*

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

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

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

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

15 *(f) ELIMINATION OF WARNING IN PRIVATE NONPROFIT*
16 *ORGANIZATION APPLICATION RELATING TO CRIMINAL PRO-*
17 *VISIONS AND RELATED MATTERS.—Section 13(q) of such*
18 *Act (42 U.S.C. 1761(q)) is amended—*

19 *(1) by striking paragraph (2);*

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

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

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

4 (h) *ALL-DAY ACTIVITIES.*—The Secretary of Agri-
5 culture shall—

6 (1) not later than 180 days after the date of en-
7 actment of this Act, in consultation with the heads of
8 other Federal agencies, identify sources of Federal
9 funds that may be available from other Federal agen-
10 cies for service institutions under the summer food
11 service program for children established under section
12 13 of the National School Lunch Act (42 U.S.C. 1761)
13 to carry out all-day educational and recreational ac-
14 tivities for children at feeding sites under the pro-
15 gram; and

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

19 **SEC. 115. COMMODITY DISTRIBUTION PROGRAM.**

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

22 (1) in subsection (a), by striking “1994” and in-
23 sserting “1998”; and

24 (2) in subsection (b)—

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

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

3 “(2) The Secretary shall maintain and continue to im-
4 prove the overall nutritional quality of entitlement com-
5 modities provided to schools to assist the schools in improv-
6 ing the nutritional content of meals.

7 “(3) The Secretary shall—

8 “(A) require that nutritional content informa-
9 tion labels be placed on packages or shipments of enti-
10 tlement commodities provided to the schools; or

11 “(B) otherwise provide nutritional content infor-
12 mation regarding the commodities provided to the
13 schools.”.

14 **SEC. 116. CHILD AND ADULT CARE FOOD PROGRAM.**

15 (a) *AUTOMATIC ELIGIBILITY OF CERTAIN EVEN START*
16 *PARTICIPANTS.*—Section 17(c) of the National School
17 Lunch Act (42 U.S.C. 1766(c)) (as amended by section
18 109(b)) is further amended by adding at the end the follow-
19 ing new paragraph:

20 “(6)(A) A child who has not yet entered kindergarten
21 shall be considered automatically eligible for benefits under
22 this section without further application or eligibility deter-
23 mination if the child is enrolled as a participant in the
24 Even Start program under part B of chapter 1 of title I

1 *of the Elementary and Secondary Education Act of 1965*
2 *(20 U.S.C. 2741 et seq.).*

3 “(B) Subparagraph (A) shall apply only with respect
4 to the provision of benefits under this section for the period
5 beginning September 1, 1995, and ending September 30,
6 1997.”.

7 (b) REAPPLICATION FOR ASSISTANCE AT 3-YEAR IN-
8 Tervals.—Section 17(d)(2)(A) of such Act (42 U.S.C.
9 1766(d)(2)(A)) is amended by striking “2-year intervals”
10 and inserting “3-year intervals”.

11 (c) USE OF ADMINISTRATIVE FUNDS TO CONDUCT
12 OUTREACH AND RECRUITMENT TO UNLICENSED DAY CARE
13 HOMES.—Section 17(f)(3)(C) of such Act (42 U.S.C.
14 1766(f)(3)(C)) is amended—

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

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

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

23 (d) INFORMATION AND TRAINING CONCERNING CHILD
24 HEALTH AND DEVELOPMENT.—Section 17(k) of such Act

1 *(42 U.S.C. 1766(k)) is amended by adding at the end the*
2 *following new paragraph:*

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

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

10 *(1) in paragraph (1)(A), by striking “25 percent*
11 *of the children served by such organization” and in-*
12 *serting “25 percent of the children enrolled in the or-*
13 *ganization or 25 percent of the licensed capacity of*
14 *the organization for children, whichever is less,”;*

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

17 *(3) in paragraph (5), by striking “1994” and in-*
18 *serting “1998”.*

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

22 *“(q)(1) The Secretary shall provide State agencies with*
23 *basic information concerning the importance and benefits*
24 *of the special supplemental nutrition program for women,*

1 *infants, and children authorized under section 17 of the*
2 *Child Nutrition Act of 1966 (42 U.S.C. 1786).*

3 *“(2) The State agency shall—*

4 *“(A) provide each child care institution partici-*
5 *partating in the program established under this section,*
6 *other than institutions providing day care outside*
7 *school hours for schoolchildren, with materials that*
8 *include—*

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

12 *“(ii) the maximum income limits, accord-*
13 *ing to family size, applicable to children up to*
14 *age 5 in the State under the special supple-*
15 *mental nutrition program for women, infants,*
16 *and children; and*

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

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

22 *“(C) ensure that, at least once a year, the insti-*
23 *tutions to which subparagraph (A) applies provide*
24 *written information to parents that includes—*

1 “(i) basic information on the benefits pro-
2 vided under the special supplemental nutrition
3 program for women, infants, and children;

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

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

9 **SEC. 117. HOMELESS CHILDREN NUTRITION PROGRAM.**

10 (a) *HOMELESS CHILDREN NUTRITION PROGRAM.*—

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

14 **“SEC. 17B. HOMELESS CHILDREN NUTRITION PROGRAM.**

15 “(a) *IN GENERAL.*—The Secretary shall conduct
16 projects designed to provide food service throughout the year
17 to homeless children under the age of 6 in emergency shel-
18 ters.

19 “(b) *AGREEMENTS TO PARTICIPATE IN PROJECTS.*—

20 “(1) *IN GENERAL.*—The Secretary shall enter
21 into agreements with State, city, local, or county gov-
22 ernments, other public entities, or private nonprofit
23 organizations to participate in the projects conducted
24 under this section.

1 “(2) *ELIGIBILITY REQUIREMENTS.*—*The Sec-*
2 *retary shall establish eligibility requirements for the*
3 *entities described in paragraph (1) that desire to par-*
4 *ticipate in the projects conducted under this section.*
5 *The requirements shall include the following:*

6 “(A) *Each private nonprofit organization*
7 *shall operate not more than 5 food service sites*
8 *under the project and shall serve not more than*
9 *300 homeless children at each such site.*

10 “(B) *Each site operated by each such orga-*
11 *nization shall meet applicable State and local*
12 *health, safety, and sanitation standards.*

13 “(c) *PROJECT REQUIREMENTS.*—

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

16 “(A) *use the same meal patterns and receive*
17 *reimbursement payments for meals and supple-*
18 *ments at the same rates provided to child care*
19 *centers participating in the child care food pro-*
20 *gram under section 17 for free meals and supple-*
21 *ments; and*

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

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

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

8 “(d) *FUNDING PRIORITIES.*—*From the amount de-*
9 *scribed in subsection (g), the Secretary shall provide fund-*
10 *ing for projects carried out under this section for a particu-*
11 *lar fiscal year (referred to in this subsection as the ‘current*
12 *fiscal year’) in the following order of priority, to the maxi-*
13 *mum extent practicable:*

14 “(1) *The Secretary shall first provide the fund-*
15 *ing to entities and organizations, each of which—*

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

20 “(B) *is eligible to receive funding under this*
21 *section to carry out the project for the current*
22 *fiscal year;*

23 *to enable the entity or organization to carry out the*
24 *project under this section for the current fiscal year*

1 *at the level of service provided by the project during*
2 *the preceding fiscal year.*

3 “(2) *From the portion of the amount that re-*
4 *remains after the application of paragraph (1), the Sec-*
5 *retary shall provide funds to entities and organiza-*
6 *tions, each of which is eligible to receive funding*
7 *under this section, to enable the entity or organiza-*
8 *tion to carry out a new project under this section for*
9 *the current fiscal year, or to expand the level of serv-*
10 *ice provided by a project for the current fiscal year*
11 *over the level provided by the project during the pre-*
12 *ceding fiscal year.*

13 “(e) *NOTICE.—The Secretary shall advise each State*
14 *of the availability of the projects conducted under this sub-*
15 *section for States, cities, counties, local governments, and*
16 *other public entities, and shall advise each State of the pro-*
17 *cedures for applying to participate in the project.*

18 “(f) *PLAN TO ALLOW PARTICIPATION IN THE CHILD*
19 *AND ADULT CARE FOOD PROGRAM.—Not later than Sep-*
20 *tember 30, 1996, the Secretary shall submit to the Commit-*
21 *tee on Education and Labor of the House of Representatives*
22 *and the Committee on Agriculture, Nutrition, and Forestry*
23 *of the Senate a plan describing—*

24 “(1) *how emergency shelters and homeless chil-*
25 *dren who have not attained the age of 6 and who are*

1 *served by the shelters under the program might par-*
2 *ticipate in the child and adult care food program au-*
3 *thorized under section 17 by September 30, 1998; and*

4 *“(2) the advantages and disadvantages of the ac-*
5 *tion described in paragraph (1).*

6 *“(g) FUNDING.—*

7 *“(1) IN GENERAL.—In addition to any amounts*
8 *made available under section 7(a)(5)(B)(i)(I) of the*
9 *Child Nutrition Act of 1966 (42 U.S.C.*
10 *1776(a)(5)(B)(i)(I)) and any amounts that are other-*
11 *wise made available for fiscal year 1995, out of any*
12 *moneys in the Treasury not otherwise appropriated,*
13 *the Secretary of the Treasury shall provide to the Sec-*
14 *retary to carry out this section \$1,800,000 for fiscal*
15 *year 1995, \$2,600,000 for fiscal year 1996,*
16 *\$3,100,000 for fiscal year 1997, \$3,400,000 for fiscal*
17 *year 1998, and \$3,700,000 for fiscal year 1999 and*
18 *each succeeding fiscal year. The Secretary shall be en-*
19 *titled to receive the funds and shall accept the funds.*

20 *“(2) INSUFFICIENT NUMBER OF APPLICANTS.—*

21 *The Secretary may expend less than the amount de-*
22 *scribed in paragraph (1) for a fiscal year if there is*
23 *an insufficient number of suitable applicants to carry*
24 *out projects under this section for the fiscal year. Any*
25 *funds made available under this subsection to carry*

1 *out the projects for a fiscal year that are not obligated*
2 *to carry out the projects in the fiscal year shall re-*
3 *main available until expended for purposes of carry-*
4 *ing out the projects.*

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

9 *(2) CONFORMING AMENDMENTS.—*

10 *(A) NATIONAL SCHOOL LUNCH ACT.—Sec-*
11 *tion 18 of the National School Lunch Act (42*
12 *U.S.C. 1769) is amended by striking subsection*
13 *(c).*

14 *(B) CHILD NUTRITION ACT OF 1966.—Sec-*
15 *tion 7(a)(5)(B)(i)(I) of the Child Nutrition Act*
16 *of 1966 (42 U.S.C. 1776(a)(5)(B)(i)(I)) is*
17 *amended—*

18 *(i) by striking “projects under section*
19 *18(c) of the National School Lunch Act (42*
20 *U.S.C. 1769(c))” and inserting “projects*
21 *under section 17B of the National School*
22 *Lunch Act”;* and

23 *(ii) by striking “each of fiscal years*
24 *1993 and 1994” each place it appears and*

1 *inserting “fiscal year 1995 and each subse-*
2 *quent fiscal year”.*

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

8 *“(c)(1) Using the funds provided under paragraph (7),*
9 *the Secretary shall conduct at least 1 demonstration project*
10 *through a participating entity during each of fiscal years*
11 *1995 through 1998 that is designed to provide food and nu-*
12 *trition services throughout the year to—*

13 *“(A) homeless pregnant women; and*

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

16 *“(2) To be eligible to obtain funds under this sub-*
17 *section, a homeless shelter, a transitional housing organiza-*
18 *tion, or another entity that provides or will provide tem-*
19 *porary housing for individuals described in paragraph (1)*
20 *shall (in accordance with guidelines established by the Sec-*
21 *retary)—*

22 *“(A) submit to the Secretary a proposal to pro-*
23 *vide food and nutrition services, including a plan for*
24 *coordinating the services with services provided under*
25 *the special supplemental nutrition program for*

1 *women, infants, and children authorized under sec-*
2 *tion 17 of the Child Nutrition Act of 1966 (42 U.S.C.*
3 *1786);*

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

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

7 *“(i) a significant population of boarder ba-*
8 *bies;*

9 *“(ii) a very high rate of mortality for chil-*
10 *dren under 1 year of age; or*

11 *“(iii) a significant population of homeless*
12 *pregnant women and homeless women with in-*
13 *fant;*

14 *as determined by the Secretary; and*

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

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

22 *“(A) may include—*

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

24 *“(ii) nutrition education;*

25 *“(iii) nutrition assessments;*

1 “(iv) referrals to—

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

6 “(II) the medical assistance program
7 established under title XIX of the Social Se-
8 curity Act (42 U.S.C. 1396 et seq.);

9 “(III) the food stamp program estab-
10 lished under section 4 of the Food Stamp
11 Act of 1977 (7 U.S.C. 2013); and

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

14 “(v) activities related to the services de-
15 scribed in any of clauses (i) through (iv); and

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

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

21 “(4)(A) A participating entity shall—

22 “(i) use the same meal patterns, and receive re-
23 imbursement payments for meals and supplements at
24 the same rates, as apply to child care centers partici-

1 *pating in the child care food program under section*
2 *17 for free meals and supplements;*

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

6 *“(iii) maintain a policy of not providing serv-*
7 *ices or assistance to pregnant women, or homeless*
8 *women with infants, who use a controlled substance*
9 *(as defined in section 102 of the Controlled Sub-*
10 *stances Act (21 U.S.C. 802)).*

11 *“(B) The Secretary may modify the meal pattern re-*
12 *quirements to take into account the needs of infants, home-*
13 *less pregnant women, homeless mothers, guardians of in-*
14 *fants, or the children of the women, mothers, or guardians.*

15 *“(C) The Secretary shall provide funding to a partici-*
16 *pating entity for services described in paragraph (3) that*
17 *are provided to individuals described in paragraph (1).*

18 *“(5) The Secretary shall impose such auditing and rec-*
19 *ordkeeping requirements as are necessary to monitor the use*
20 *of Federal funds to carry out this subsection.*

21 *“(6) The Secretary shall notify the Committee on Edu-*
22 *cation and Labor, and the Committee on Agriculture, of*
23 *the House of Representatives and the Committee on Agri-*
24 *culture, Nutrition, and Forestry of the Senate on projects*
25 *carried out under this subsection.*

1 “(7)(A) Out of any moneys in the Treasury not other-
2 wise appropriated, the Secretary of the Treasury shall pro-
3 vide to the Secretary \$400,000 for each of fiscal years 1995
4 through 1998 to carry out this subsection. The Secretary
5 shall be entitled to receive the funds and shall accept the
6 funds.

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

12 “(8) As used in this subsection:

13 “(A) The term ‘boarder baby’ means an aban-
14 doned infant described in section 103(1) of the Aban-
15 doned Infants Assistance Act of 1988 (Public Law
16 100–505; 42 U.S.C. 670 note).

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

20 **SEC. 118. PILOT PROJECTS.**

21 (a) *COMMODITY LETTER OF CREDIT (CLOC) PRO-*
22 *GRAMS.*—The first sentence of section 18(b)(1) of the Na-
23 tional School Lunch Act (42 U.S.C. 1769(b)(1)) is amended
24 by striking “, and ending September 30, 1994”.

1 **(b) DEMONSTRATION PROGRAM TO PROVIDE MEALS**
2 *AND SUPPLEMENTS OUTSIDE OF SCHOOL HOURS.*—Section
3 *18 of such Act (42 U.S.C. 1769) is amended by adding at*
4 *the end the following new subsection:*

5 “(e)(1)(A) *The Secretary shall establish a demonstra-*
6 *tion program to provide grants to eligible institutions or*
7 *schools to provide meals or supplements to adolescents par-*
8 *ticipating in educational, recreational, or other programs*
9 *and activities provided outside of school hours.*

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

16 “(2) *The Secretary may not provide a grant under*
17 *paragraph (1) to an eligible institution or school unless the*
18 *institution or school submits to the Secretary an applica-*
19 *tion containing such information as the Secretary may rea-*
20 *sonably require.*

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

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

8 “(B) use the same meal patterns as meal pat-
9 terns required under the child and adult care food
10 program under section 17.

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

16 “(5)(A) Except as provided in subparagraph (B), the
17 Secretary shall expend to carry out this subsection, from
18 amounts appropriated for purposes of carrying out section
19 17, \$325,000 for fiscal year 1995, \$475,000 for each of fiscal
20 years 1996 and 1997, and \$525,000 for fiscal year 1998.
21 In addition to amounts described in the preceding sentence,
22 the Secretary shall expend any additional amounts in any
23 fiscal year as may be provided in advance in appropria-
24 tions Acts.

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

4 “(6) As used in this subsection:

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

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

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

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

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

18 (c) FORTIFIED FLUID MILK.—Section 18 of such Act
19 (42 U.S.C. 1769) (as amended by subsection (b)) is further
20 amended by adding at the end the following new subsection:

21 “(f)(1) Subject to the availability of appropriations to
22 carry out this subsection, the Secretary shall establish pilot
23 projects in at least 25 school districts under which the milk
24 offered by schools meets the fortification requirements of

1 *paragraph (3) for lowfat, skim, and other forms of fluid*
2 *milk.*

3 “(2) *The Secretary shall make available to school dis-*
4 *tricts information that compares the nutritional benefits of*
5 *fluid milk that meets the fortification requirements of para-*
6 *graph (3) and the nutritional benefits of other milk that*
7 *is made available through the school lunch program estab-*
8 *lished under this Act.*

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

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

14 “(i) *3.25 percent milk fat; and*

15 “(ii) *8.7 percent milk solids not fat;*

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

19 “(C) *all skim milk in final package form for bev-*
20 *erage use shall contain not less than 9 percent milk*
21 *solids not fat.*

22 “(4)(A) *In selecting where to establish pilot projects*
23 *under this subsection, the Secretary shall take into account,*
24 *among other factors, the availability of fortified milk and*

1 *the interest of the school district in being included in the*
2 *pilot project.*

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

7 “(5) *Not later than 2 years after the establishment of*
8 *the first pilot project under this subsection, the Secretary*
9 *shall report to the Committee on Education and Labor, and*
10 *the Committee on Agriculture, of the House of Representa-*
11 *tives and the Committee on Agriculture, Nutrition, and*
12 *Forestry of the Senate on—*

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

15 “(B) *the impact of offering the milk on milk con-*
16 *sumption;*

17 “(C) *the views of the school food service authori-*
18 *ties on the pilot projects; and*

19 “(D) *any increases or reductions in costs attrib-*
20 *uted to the pilot projects.*

21 “(6) *The Secretary shall—*

22 “(A) *obtain copies of any research studies or pa-*
23 *pers that discuss the impact of the fortification of*
24 *milk pursuant to standards established by the States;*
25 *and*

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

3 “(i) the information obtained under sub-
4 paragraph (A); and

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

7 “(7)(A) Each pilot project established under this sub-
8 section shall terminate on the last day of the third year
9 after the establishment of the pilot project.

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

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

19 “(g)(1) The Secretary is authorized to establish a pilot
20 project to assist schools participating in the school lunch
21 program established under this Act, and the school breakfast
22 program established under section 4 of the Child Nutrition
23 Act of 1966 (42 U.S.C. 1773), to offer participating stu-
24 dents additional choices of fruits, vegetables, legumes, cere-
25 als, and grain-based products (including, subject to para-

1 *graph (6), organically produced agricultural commodities*
2 *and products) (collectively referred to in this subsection as*
3 *'qualified products').*

4 “(2) *The Secretary shall establish procedures under*
5 *which schools may apply to participate in the pilot project.*
6 *To the maximum extent practicable, the Secretary shall se-*
7 *lect qualified schools that apply from each State.*

8 “(3) *The Secretary may provide a priority for receiv-*
9 *ing funds under this subsection to—*

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

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

14 “(4) *On request, the Secretary shall provide informa-*
15 *tion to the Committee on Education and Labor, and the*
16 *Committee on Agriculture, of the House of Representatives*
17 *and the Committee on Agriculture, Nutrition, and Forestry*
18 *of the Senate on the impact of the pilot project on partici-*
19 *pating schools, including—*

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

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

1 “(C) the desirability of requiring that—

2 “(i) each school participating in the school
3 breakfast program increase the number of choices
4 of qualified products offered per meal to at least
5 2 choices;

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

9 “(iii) the Secretary provide additional Fed-
10 eral reimbursements to assist schools in comply-
11 ing with clauses (i) and (ii);

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

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

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

20 “(6) For purposes of this subsection, qualified products
21 shall include organically produced agricultural commod-
22 ities and products beginning on the date the Secretary es-
23 tablishes an organic certification program for producers
24 and handlers of agricultural products in accordance with

1 *the Organic Foods Production Act of 1990 (7 U.S.C. 6501*
2 *et seq.).”.*

3 (e) *INCREASED CHOICES OF LOWFAT DAIRY PROD-*
4 *UCTS AND LEAN MEAT AND POULTRY PRODUCTS.—Section*
5 *18 of such Act (42 U.S.C. 1769) (as amended by subsection*
6 *(d)) is further amended by adding at the end the following*
7 *new subsection:*

8 “(h)(1) *The Secretary is authorized to establish a pilot*
9 *project to assist schools participating in the school lunch*
10 *program established under this Act, and the school breakfast*
11 *program established under section 4 of the Child Nutrition*
12 *Act of 1966 (42 U.S.C. 1773), to offer participating stu-*
13 *dents additional choices of lowfat dairy products (including*
14 *lactose-free dairy products) and lean meat and poultry*
15 *products (including, subject to paragraph (6), organically*
16 *produced agricultural commodities and products) (collec-*
17 *tively referred to in this subsection as ‘qualified products’).*

18 “(2) *The Secretary shall establish procedures under*
19 *which schools may apply to participate in the pilot project.*
20 *To the maximum extent practicable, the Secretary shall se-*
21 *lect qualified schools that apply from each State.*

22 “(3) *The Secretary may provide a priority for receiv-*
23 *ing funds under this subsection to—*

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

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

3 “(4) On request, the Secretary shall provide informa-
4 tion to the Committee on Education and Labor, and the
5 Committee on Agriculture, of the House of Representatives
6 and the Committee on Agriculture, Nutrition, and Forestry
7 of the Senate on the impact of the pilot project on partici-
8 pating schools, including—

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

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

15 “(C) the desirability of requiring that—

16 “(i) each school participating in the school
17 breakfast program increase the number of choices
18 of qualified products offered per meal to at least
19 2 choices;

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

23 “(iii) the Secretary provide additional Fed-
24 eral reimbursements to assist schools in comply-
25 ing with clauses (i) and (ii);

1 “(D) the views of the school food service authori-
2 ties on the pilot project; and

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

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

9 “(6) For purposes of this subsection, qualified products
10 shall include organically produced agricultural commod-
11 ities and products beginning on the date the Secretary es-
12 tablishes an organic certification program for producers
13 and handlers of agricultural products in accordance with
14 the Organic Foods Production Act of 1990 (7 U.S.C. 6501
15 et seq.).”.

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

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

25 “(A) reduce paperwork;

1 “(B) reduce application and meal counting re-
2 quirements; and

3 “(C) make changes that will increase participa-
4 tion in the school lunch and school breakfast pro-
5 grams.

6 “(2)(A) Except as provided in subparagraph (B), the
7 Secretary may waive the requirements of this Act and the
8 Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) relat-
9 ing to counting of meals, applications for eligibility, and
10 related requirements that would preclude the Secretary from
11 making a grant to conduct a pilot project under paragraph
12 (1).

13 “(B) The Secretary may not waive a requirement
14 under subparagraph (A) if the waiver would prevent a pro-
15 gram participant, a potential program recipient, or a
16 school from receiving all of the benefits and protections of
17 this Act, the Child Nutrition Act of 1966, or a Federal stat-
18 ute or regulation that protects an individual constitutional
19 right or a statutory civil right.

20 “(C) No child otherwise eligible for free or reduced
21 price meals under section 9 or under section 4 of the Child
22 Nutrition Act of 1966 (42 U.S.C. 1773) shall be required
23 to pay more under a program carried out under this sub-
24 section for such a meal than the child would otherwise pay

1 *under section 9 or under section 4 of the Child Nutrition*
2 *Act of 1966 (42 U.S.C. 1771 et seq.), respectively.*

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

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

9 *“(i) demonstrating that the program car-*
10 *ried out under the project differs from programs*
11 *carried out under subparagraph (C), (D), or (E)*
12 *of section 11(a)(1);*

13 *“(ii) demonstrating that at least 40 percent*
14 *of the students participating in the school lunch*
15 *program at the school are eligible for free or re-*
16 *duced price meals;*

17 *“(iii) demonstrating that the school operates*
18 *both a school lunch program and a school break-*
19 *fast program;*

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

23 *“(v) describing and justifying the addi-*
24 *tional amount, over the most recent prior year*
25 *reimbursement amount received under the school*

1 *lunch program and the school breakfast program*
2 *(adjusted for inflation and fluctuations in enroll-*
3 *ment), that the school needs from the Federal*
4 *government to conduct the pilot; and*

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

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

10 *“(C) meet any other requirement that the Sec-*
11 *retary may reasonably require.*

12 *“(4) To the extent practicable, the Secretary shall select*
13 *schools to participate in the pilot program under this sub-*
14 *section in a manner that will provide for an equitable dis-*
15 *tribution among the following types of schools:*

16 *“(A) Urban and rural schools.*

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

18 *“(C) Schools of varying income levels.*

19 *“(5)(A) Except as provided in subparagraph (B), a*
20 *school conducting a pilot project under this subsection shall*
21 *receive commodities in an amount equal to the amount the*
22 *school received in the prior year under the school lunch pro-*
23 *gram under this Act and under the school breakfast pro-*
24 *gram under section 4 of the Child Nutrition Act of 1966,*
25 *adjusted for inflation and fluctuations in enrollment.*

1 “(B) Commodities required for the pilot project in ex-
2 cess of the amount of commodities received by the school
3 in the prior year under the school lunch program and the
4 school breakfast program may be funded from amounts ap-
5 propriated to carry out this section.

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

13 “(B) Funds required for the pilot project in excess of
14 the level of reimbursement received by the school in the prior
15 year (adjusted for inflation and fluctuations in enrollment)
16 may be taken from any non-Federal source or from amounts
17 appropriated to carry out this subsection. If no appropria-
18 tions are made for the pilot projects, schools may not con-
19 duct the pilot projects.

20 “(7)(A) The Secretary shall require each school con-
21 ducting a pilot project under this subsection to submit to
22 the Secretary documentation sufficient for the Secretary, to
23 the extent practicable, to—

24 “(i) determine the effect that participation by
25 schools in the pilot projects has on the rate of student

1 *participation in the school lunch program and the*
2 *school breakfast program, in total and by various in-*
3 *come groups;*

4 *“(ii) compare the quality of meals served under*
5 *the pilot project to the quality of meals served under*
6 *the school lunch program and the school breakfast*
7 *program during the school year immediately preced-*
8 *ing participation in the pilot project;*

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

11 *“(iv) compare the amount of administrative*
12 *costs under the pilot project to the amount of admin-*
13 *istrative costs under the school lunch program and the*
14 *school breakfast program during the school year im-*
15 *mediately preceding participation in the pilot project;*

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

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

23 *“(B) Not later than January 31, 1998, the Secretary*
24 *shall submit to the Committee on Education and Labor of*
25 *the House of Representatives and the Committee on Agri-*

1 *culture, Nutrition, and Forestry of the Senate a report con-*
2 *taining—*

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

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

9 “(iii) *an evaluation of the program by the Sec-*
10 *retary.*

11 “(8) *There are authorized to be appropriated to carry*
12 *out this subsection \$9,000,000 for each fiscal year during*
13 *the period beginning October 1, 1995, and ending July 31,*
14 *1998.”.*

15 **SEC. 119. REDUCTION OF PAPERWORK.**

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

18 (1) *by striking “and other agencies” and insert-*
19 *ing “other agencies”; and*

20 (2) *by inserting “, and families of children par-*
21 *ticipating in the programs,” after “assisted under*
22 *such Acts”.*

1 **SEC. 120. FOOD SERVICE MANAGEMENT INSTITUTE.**

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

5 (1) *in subparagraph (B)—*

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

8 (B) *by redesignating clause (ix) as clause*
9 *(x); and*

10 (C) *by inserting after clause (viii) the fol-*
11 *lowing new clause:*

12 “(ix) *culinary skills; and*”;

13 (2) *by striking “and” at the end of subpara-*
14 *graph (D);*

15 (3) *by striking the period at the end of subpara-*
16 *graph (E) and inserting a semicolon; and*

17 (4) *by adding at the end the following new sub-*
18 *paragraphs:*

19 “(F) *training food service personnel to com-*
20 *ply with the nutrition guidance and objectives of*
21 *section 24 through a national network of instruc-*
22 *tors or other means;*

23 “(G) *preparing informational materials,*
24 *such as video instruction tapes and menu plan-*
25 *ners, to promote healthier food preparation; and*

1 “(H) assisting State educational agencies in
2 providing additional nutrition and health in-
3 structions and instructors, including training
4 personnel to comply with the nutrition guidance
5 and objectives of section 24.”

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

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

11 “(d) *COORDINATION.*—

12 “(1) *IN GENERAL.*—The”; and

13 (2) by adding at the end the following new para-
14 graph:

15 “(2) *USE OF INSTITUTE FOR DIETARY AND NU-*
16 *TRITION ACTIVITIES.*—The Secretary shall use any
17 food service management institute established under
18 subsection (a)(2) to assist in carrying out dietary and
19 nutrition activities of the Secretary.”

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

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

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

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) TRAINING ACTIVITIES AND TECHNICAL AS-
5 SISTANCE.—There are authorized to be appropriated
6 to carry out subsection (a)(1) \$3,000,000 for fiscal
7 year 1990, \$2,000,000 for fiscal year 1991, and
8 \$1,000,000 for each of fiscal years 1992 through 1998.

9 “(2) FOOD SERVICE MANAGEMENT INSTITUTE.—

10 “(A) FUNDING.—In addition to any
11 amounts otherwise made available for fiscal year
12 1995, out of any moneys in the Treasury not
13 otherwise appropriated, the Secretary of the
14 Treasury shall provide to the Secretary \$147,000
15 for fiscal year 1995, and \$2,000,000 for fiscal
16 year 1996 and each subsequent fiscal year, to
17 carry out subsection (a)(2). The Secretary shall
18 be entitled to receive the funds and shall accept
19 the funds.

20 “(B) ADDITIONAL FUNDING.—In addition
21 to amounts made available under subparagraph
22 (A), there are authorized to be appropriated to
23 carry out subsection (a)(2) such sums as are nec-
24 essary for fiscal year 1995 and each subsequent
25 fiscal year. The Secretary shall carry out activi-

1 ties under subsection (a)(2), in addition to the
2 activities funded under subparagraph (A), to the
3 extent provided for, and in such amounts as are
4 provided for, in advance in appropriations Acts.

5 “(C) FUNDING FOR EDUCATION, TRAINING,
6 OR APPLIED RESEARCH OR STUDIES.—In addi-
7 tion to amounts made available under subpara-
8 graphs (A) and (B), from amounts otherwise ap-
9 propriated to the Secretary in discretionary ap-
10 propriations, the Secretary may provide funds to
11 any food service management institute estab-
12 lished under subsection (a)(2) for projects speci-
13 fied by the Secretary that will contribute to im-
14 plementing dietary or nutrition initiatives. Any
15 additional funding under this subparagraph
16 shall be provided noncompetitively in a separate
17 cooperative agreement.”.

18 **SEC. 121. COMPLIANCE AND ACCOUNTABILITY.**

19 Section 22(d) of the National School Lunch Act (42
20 U.S.C. 1769c(d)) is amended by striking “1990, 1991, 1992,
21 1993, and 1994” and inserting “1994 through 1996”.

1 **SEC. 122. DUTIES OF THE SECRETARY OF AGRICULTURE RE-**
2 **LATING TO NONPROCUREMENT DEBARMENT**
3 **UNDER CERTAIN CHILD NUTRITION PRO-**
4 **GRAMS.**

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

8 **“SEC. 25. DUTIES OF THE SECRETARY RELATING TO**
9 **NONPROCUREMENT DEBARMENT.**

10 “(a) *PURPOSES.*—The purposes of this section are to
11 promote the prevention and deterrence of instances of fraud,
12 bid rigging, and other anticompetitive activities encoun-
13 tered in the procurement of products for child nutrition pro-
14 grams by—

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

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

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

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

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

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

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

5 “(D) the homeless children nutrition pro-
6 gram established under section 17B;

7 “(E) the special milk program established
8 under section 3 of the Child Nutrition Act of
9 1966 (42 U.S.C. 1772);

10 “(F) the school breakfast program estab-
11 lished under section 4 of such Act (42 U.S.C.
12 1773); and

13 “(G) the special supplemental nutrition
14 program for women, infants, and children au-
15 thorized under section 17 of such Act (42 U.S.C.
16 1786).

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

22 “(3) LOCAL AGENCY.—The term ‘local agency’
23 means a school, school food authority, child care cen-
24 ter, sponsoring organization, or other entity author-

1 *ized to operate a child nutrition program at the local*
2 *level.*

3 “(4) *NONPROCUREMENT DEBARMENT.*—*The term*
4 *‘nonprocurement debarment’ means an action to bar*
5 *a person from programs and activities involving Fed-*
6 *eral financial and nonfinancial assistance, but not*
7 *including Federal procurement programs and activi-*
8 *ties.*

9 “(5) *PERSON.*—*The term ‘person’ means any in-*
10 *dividual, corporation, partnership, association, coop-*
11 *erative, or other legal entity, however organized.*

12 “(c) *ASSISTANCE TO IDENTIFY AND PREVENT FRAUD*
13 *AND ANTICOMPETITIVE ACTIVITIES.*—*The Secretary shall—*

14 “(1) *in cooperation with any other appropriate*
15 *individual, organization, or agency, provide advice,*
16 *training, technical assistance, and guidance (which*
17 *may include awareness training, training films, and*
18 *troubleshooting advice) to representatives of States*
19 *and local agencies regarding means of identifying*
20 *and preventing fraud and anticompetitive activities*
21 *relating to the provision of goods or services in con-*
22 *junction with the participation of a local agency in*
23 *a child nutrition program; and*

24 “(2) *provide information to, and fully cooperate*
25 *with, the Attorney General and State attorneys gen-*

1 *eral regarding investigations of fraud and anti-*
2 *competitive activities relating to the provision of*
3 *goods or services in conjunction with the participa-*
4 *tion of a local agency in a child nutrition program.*

5 *“(d) NONPROCUREMENT DEBARMENT.—*

6 *“(1) IN GENERAL.—Except as provided in para-*
7 *graph (3) and subsection (e), not later than 180 days*
8 *after notification of the occurrence of a cause for de-*
9 *barment described in paragraph (2), the Secretary*
10 *shall initiate nonprocurement debarment proceedings*
11 *against the contractor who has committed the cause*
12 *for debarment.*

13 *“(2) CAUSES FOR DEBARMENT.—Actions requir-*
14 *ing initiation of nonprocurement debarment pursuant*
15 *to paragraph (1) shall include a situation in which*
16 *a contractor is found guilty in any criminal proceed-*
17 *ing, or found liable in any civil or administrative*
18 *proceeding, in connection with the supplying, provid-*
19 *ing, or selling of goods or services to any local agency*
20 *in connection with a child nutrition program, of—*

21 *“(A) an anticompetitive activity, including*
22 *bid-rigging, price-fixing, the allocation of cus-*
23 *tomers between competitors, or other violation of*
24 *Federal or State antitrust laws;*

1 “(B) fraud, bribery, theft, forgery, or embez-
2 zlement;

3 “(C) knowingly receiving stolen property;

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

5 “(E) any other obstruction of justice.

6 “(3) *EXCEPTION.*—If the Secretary determines
7 that a decision on initiating nonprocurement debar-
8 ment proceedings cannot be made within 180 days
9 after notification of the occurrence of a cause for de-
10 barment described in paragraph (2) because of the
11 need to further investigate matters relating to the pos-
12 sible debarment, the Secretary may have such addi-
13 tional time as the Secretary considers necessary to
14 make a decision, but not to exceed an additional 180
15 days.

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

18 “(A) *IN GENERAL.*—Subject to the other
19 provisions of this paragraph and notwithstand-
20 ing any other provision of law except subsection
21 (e), if, after deciding to initiate nonprocurement
22 debarment proceedings pursuant to paragraph
23 (1), the Secretary decides to debar a contractor,
24 the debarment shall be for a period of not less
25 than 3 years.

1 “(B) *PREVIOUS DEBARMENT.*—If the con-
2 tractor has been previously debarred pursuant to
3 nonprocurement debarment proceedings initiated
4 pursuant to paragraph (1), and the cause for de-
5 barment is described in paragraph (2) based on
6 activities that occurred subsequent to the initial
7 debarment, the debarment shall be for a period
8 of not less than 5 years.

9 “(C) *SCOPE.*—At a minimum, a debarment
10 under this subsection shall serve to bar the con-
11 tractor for the specified period from contracting
12 to provide goods or services in conjunction with
13 the participation of a local agency in a child nu-
14 trition program.

15 “(D) *REVERSAL, REDUCTION, OR EXCEP-*
16 *TION.*—Nothing in this section shall restrict the
17 ability of the Secretary to—

18 “(i) reverse a debarment decision;

19 “(ii) reduce the period or scope of a de-
20 barment;

21 “(iii) grant an exception permitting a
22 debarred contractor to participate in a par-
23 ticular contract to provide goods or services;
24 or

1 “(iv) otherwise settle a debarment ac-
2 tion at any time;
3 in conjunction with the participation of a local
4 agency in a child nutrition program, if the Sec-
5 retary determines there is good cause for the ac-
6 tion, after taking into account factors set forth in
7 paragraphs (1) through (6) of subsection (e).

8 “(5) INFORMATION.—On request, the Secretary
9 shall present to the Committee on Education and
10 Labor, and the Committee on Agriculture, of the
11 House of Representatives and the Committee on Agri-
12 culture, Nutrition, and Forestry of the Senate infor-
13 mation regarding the decisions required by this sub-
14 section.

15 “(6) RELATIONSHIP TO OTHER AUTHORITIES.—
16 A debarment imposed under this section shall not re-
17 duce or diminish the authority of a Federal, State, or
18 local government agency or court to penalize, im-
19 prison, fine, suspend, debar, or take other adverse ac-
20 tion against a person in a civil, criminal, or admin-
21 istrative proceeding.

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

1 “(e) *MANDATORY DEBARMENT.*—Notwithstanding any
2 *other provision of this section, the Secretary shall initiate*
3 *nonprocurement debarment proceedings against the con-*
4 *tractor (including any cooperative) who has committed the*
5 *cause for debarment (as determined under subsection*
6 *(d)(2)), unless the action—*

7 “(1) *is likely to have a significant adverse effect*
8 *on competition or prices in the relevant market or na-*
9 *tionally;*

10 “(2) *will interfere with the ability of a local*
11 *agency to procure a needed product for a child nutri-*
12 *tion program;*

13 “(3) *is unfair to a person, subsidiary corpora-*
14 *tion, affiliate, parent company, or local division of a*
15 *corporation that is not involved in the improper ac-*
16 *tivity that would otherwise result in the debarment;*

17 “(4) *is likely to have significant adverse eco-*
18 *nomical impacts on the local economy in a manner*
19 *that is unfair to innocent parties;*

20 “(5) *is not justified in light of the penalties al-*
21 *ready imposed on the contractor for violations rel-*
22 *evant to the proposed debarment, including any sus-*
23 *pension or debarment arising out of the same matter*
24 *that is imposed by any Federal or State agency; or*

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

4 “(f) *EXHAUSTION OF ADMINISTRATIVE REMEDIES.*—
5 Prior to seeking judicial review in a court of competent ju-
6 risdiction, a contractor against whom a nonprocurement
7 debarment proceeding has been initiated shall—

8 “(1) exhaust all administrative procedures pre-
9 scribed by the Secretary; and

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

12 “(g) *INFORMATION RELATING TO PREVENTION AND*
13 *CONTROL OF ANTICOMPETITIVE ACTIVITIES.*—On request,
14 the Secretary shall present to the Committee on Education
15 and Labor, and the Committee on Agriculture, of the House
16 of Representatives and the Committee on Agriculture, Nu-
17 trition, and Forestry of the Senate information regarding
18 the activities of the Secretary relating to anticompetitive
19 activities, fraud, nonprocurement debarment, and any
20 waiver granted by the Secretary under this section.”.

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

1 (c) *NO REDUCTION IN AUTHORITY TO DEBAR OR SUS-*
2 *PEND A PERSON FROM FEDERAL FINANCIAL AND NON-*
3 *FINANCIAL ASSISTANCE AND BENEFITS.*—*The authority of*
4 *the Secretary of Agriculture that exists on the day before*
5 *the date of enactment of this Act to debar or suspend a per-*
6 *son from Federal financial and nonfinancial assistance and*
7 *benefits under Federal programs and activities shall not be*
8 *diminished or reduced by subsection (a) or the amendment*
9 *made by subsection (a).*

10 **SEC. 123. INFORMATION CLEARINGHOUSE.**

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

14 **“SEC. 26. INFORMATION CLEARINGHOUSE.**

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

1 “(b) *NONGOVERNMENTAL ORGANIZATION.*—*The non-*
2 *governmental organization referred to in subsection (a)*
3 *shall be selected on a competitive basis and shall—*

4 “(1) *be experienced in the gathering of first-hand*
5 *information in all the States through onsite visits to*
6 *grassroots organizations in each State that fight hun-*
7 *ger and poverty or that assist individuals in becom-*
8 *ing self-reliant;*

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

12 “(3) *agree to contribute in-kind resources to-*
13 *wards the establishment and maintenance of the*
14 *clearinghouse and agree to provide clearinghouse in-*
15 *formation, free of charge, to the Secretary, States,*
16 *counties, cities, antihunger groups, and grassroots or-*
17 *ganizations that assist individuals in becoming self-*
18 *sufficient and self-reliant;*

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

21 “(A) *has helped combat hunger for at least*
22 *10 years;*

23 “(B) *is committed to reinvesting in the*
24 *United States; and*

1 “(C) is knowledgeable regarding Federal nu-
2 trition programs;

3 “(5) be experienced in communicating the pur-
4 pose of the clearinghouse through the media, including
5 the radio and print media, and be able to provide ac-
6 cess to the clearinghouse information through com-
7 puter or telecommunications technology, as well as
8 through the mails; and

9 “(6) be able to provide examples, advice, and
10 guidance to States, counties, cities, communities,
11 antihunger groups, and local organizations regarding
12 means of assisting individuals and communities to
13 reduce reliance on government programs, reduce hun-
14 ger, improve nutrition, and otherwise assist low-in-
15 come individuals and communities become more self-
16 sufficient.

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

20 “(d) FUNDING.—Out of any moneys in the Treasury
21 not otherwise appropriated, the Secretary of the Treasury
22 shall pay to the Secretary to provide to the organization
23 selected under this section, to establish and maintain the
24 information clearinghouse, \$200,000 for each of fiscal years
25 1995 and 1996, \$150,000 for fiscal year 1997, and \$100,000

1 *for fiscal year 1998. The Secretary shall be entitled to re-*
 2 *ceive the funds and shall accept the funds.”.*

3 **SEC. 124. GUIDANCE AND GRANTS FOR ACCOMMODATING**
 4 **SPECIAL DIETARY NEEDS OF CHILDREN WITH**
 5 **DISABILITIES.**

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

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

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

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

16 *“(A) a participant in a covered program;*
 17 *and*

18 *“(B) an individual with a disability, as de-*
 19 *finied in section 7(8) of the Rehabilitation Act of*
 20 *1973 (29 U.S.C. 706(8)) for purposes of section*
 21 *504 of the Rehabilitation Act of 1973 (29 U.S.C.*
 22 *794).*

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

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

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

6 “(C) any other program established under
7 this Act or the Child Nutrition Act of 1966 (42
8 U.S.C. 1771 et seq.) that the Secretary deter-
9 mines is appropriate.

10 “(3) *ELIGIBLE ENTITY.*—The term ‘eligible en-
11 tity’ means a school food service authority, or an in-
12 stitution or organization, that participates in a cov-
13 ered program.

14 “(b) *GUIDANCE.*—

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

22 “(2) *TIMING.*—In the case of the school lunch
23 program established under this Act and the school
24 breakfast program established under section 4 of the
25 Child Nutrition Act of 1966 (42 U.S.C. 1773), the

1 *Secretary shall develop the guidance as required by*
2 *paragraph (1) not later than 150 days after the date*
3 *of enactment of this section.*

4 “(3) *DISTRIBUTION.*—*Not later than 60 days*
5 *after the date that the development of the guidance re-*
6 *lating to a covered program is completed, the Sec-*
7 *retary shall distribute the guidance to school food*
8 *service authorities, and institutions and organiza-*
9 *tions, participating in the covered program.*

10 “(4) *REVISION OF GUIDANCE.*—*The Secretary, in*
11 *consultation with the Attorney General and the Sec-*
12 *retary of Education, shall periodically update and*
13 *approve the guidances to reflect new scientific infor-*
14 *mation and comments and suggestions from persons*
15 *carrying out covered programs, recognized medical*
16 *authorities, parents, and other persons.*

17 “(c) *GRANTS.*—

18 “(1) *IN GENERAL.*—*Subject to the availability of*
19 *appropriations provided in advance to carry out this*
20 *subsection, the Secretary shall make grants on a com-*
21 *petitive basis to State educational agencies for dis-*
22 *tribution to eligible entities to assist the eligible enti-*
23 *ties with nonrecurring expenses incurred in accommo-*
24 *dating the medical and special dietary needs of chil-*
25 *dren with disabilities in a manner that is consistent*

1 with section 504 of the Rehabilitation Act of 1973 (29
2 U.S.C. 794).

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

8 “(3) *ALLOCATION BY SECRETARY.*—

9 “(A) *PREFERENCE.*—In making grants
10 under this subsection for any fiscal year, the Sec-
11 retary shall provide a preference to State edu-
12 cational agencies that, individually—

13 “(i) submit to the Secretary a plan for
14 accommodating the needs described in para-
15 graph (1), including a description of the
16 purpose of the project for which the agency
17 seeks such a grant, a budget for the project,
18 and a justification for the budget;

19 “(ii) provide to the Secretary data
20 demonstrating that the State served by the
21 agency has a substantial percentage of chil-
22 dren with medical or special dietary needs,
23 and information explaining the basis for the
24 data; or

1 “(iii) demonstrate to the satisfaction of
2 the Secretary that the activities supported
3 through such a grant will be coordinated
4 with activities supported under other Fed-
5 eral, State, and local programs, including—

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

9 “(II) activities carried out under
10 the Individuals with Disabilities Edu-
11 cation Act (20 U.S.C. 1400 et seq.);
12 and

13 “(III) activities carried out under
14 section 19 of the Child Nutrition Act of
15 1966 (42 U.S.C. 1788) or by the food
16 service management institute estab-
17 lished under section 21.

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

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

4 “(4) *ALLOCATION BY STATE EDUCATIONAL AGEN-*
 5 *CIES.*—*In allocating funds made available under this*
 6 *subsection within a State, the State educational agen-*
 7 *cy shall give a preference to eligible entities that dem-*
 8 *onstrate the greatest ability to use the funds to carry*
 9 *out the plan submitted by the State in accordance*
 10 *with paragraph (3)(A)(i).*

11 “(5) *MAINTENANCE OF EFFORT.*—*Expenditures*
 12 *of funds from State and local sources to accommodate*
 13 *the needs described in paragraph (1) shall not be di-*
 14 *minished as a result of grants received under this sub-*
 15 *section.*

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

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

22 (a) *IN GENERAL.*—*The Comptroller General of the*
 23 *United States shall conduct a study of the costs and prob-*
 24 *lems associated with the sale of adulterated fruit juice and*
 25 *juice products to the school lunch program under the Na-*

1 *tional School Lunch Act (42 U.S.C. 1751 et seq.) and school*
2 *breakfast program under section 4 of the Child Nutrition*
3 *Act of 1966 (42 U.S.C. 1773), including a study of—*

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

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

9 *(3) the availability and effectiveness of various*
10 *detection methods and testing procedures used to iden-*
11 *tify adulterated juice products;*

12 *(4) the adequacy of existing enforcement mecha-*
13 *nisms and efforts to detect and prosecute manufactur-*
14 *ers of adulterated juice products;*

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

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

21 *(b) REPORT.—Not later than 1 year after the date of*
22 *enactment of this Act, the Comptroller General shall submit*
23 *a report on the study conducted under subsection (a) (in-*
24 *cluding any related recommendations) to the Committee on*
25 *Education and Labor, and the Committee on Agriculture,*

1 *of the House of Representatives and the Committee on Agri-*
2 *culture, Nutrition, and Forestry of the Senate.*

3 **TITLE II—AMENDMENTS TO**
4 **CHILD NUTRITION ACT OF 1966**

5 **SEC. 201. SCHOOL BREAKFAST PROGRAM.**

6 (a) *MINIMUM NUTRITIONAL REQUIREMENTS MEAS-*
7 *URED BY WEEKLY AVERAGE OF NUTRIENT CONTENT OF*
8 *SCHOOL BREAKFASTS.*—*The first sentence of section 4(e)(1)*
9 *of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1))*
10 *is amended by inserting before the period at the end the*
11 *following: “, except that the minimum nutritional require-*
12 *ments shall be measured by not less than the weekly average*
13 *of the nutrient content of school breakfasts”.*

14 (b) *TECHNICAL ASSISTANCE FOR SCHOOL BREAKFAST*
15 *PROGRAM.*—*Section 4(e)(1) of such Act (42 U.S.C.*
16 *1773(e)(1)) is amended—*

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

18 (2) *by adding at the end the following new sub-*
19 *paragraph:*

20 “(B) *The Secretary shall provide through State edu-*
21 *cational agencies technical assistance and training, includ-*
22 *ing technical assistance and training in the preparation*
23 *of foods high in complex carbohydrates and lower-fat ver-*
24 *sions of foods commonly used in the school breakfast pro-*
25 *gram established under this section, to schools participating*

1 *in the school breakfast program to assist the schools in com-*
2 *plying with the nutritional requirements prescribed by the*
3 *Secretary pursuant to subparagraph (A) and in providing*
4 *appropriate meals to children with medically certified spe-*
5 *cial dietary needs. The Secretary shall provide through*
6 *State educational agencies additional technical assistance*
7 *to schools that are having difficulty maintaining compli-*
8 *ance with the requirements.”.*

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

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

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

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

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

20 *“(ii) improving public education and outreach*
21 *efforts in language appropriate materials that en-*
22 *hance the public image of the program.*

23 *“(C) As used in this paragraph, the term ‘language*
24 *appropriate materials’ means materials using a language*
25 *other than the English language in a case in which the lan-*

1 *guage is dominant for a large percentage of individuals*
2 *participating in the program.”.*

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

7 *“STARTUP AND EXPANSION COSTS*

8 *“(g)(1) Out of any moneys in the Treasury not other-*
9 *wise appropriated, the Secretary of the Treasury shall pro-*
10 *vide to the Secretary \$5,000,000 for each of fiscal years*
11 *1991 through 1997, \$6,000,000 for fiscal year 1998, and*
12 *\$7,000,000 for fiscal year 1999 and each subsequent fiscal*
13 *year to make payments under this subsection. The Secretary*
14 *shall be entitled to receive the funds and shall accept the*
15 *funds. The Secretary shall use the funds to make payments*
16 *on a competitive basis and in the following order of priority*
17 *(subject to other provisions of this subsection), to—*

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

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

24 *“(ii) expanding a school breakfast program;*
25 *and*

1 “(B) a substantial number of States for distribu-
2 tion to service institutions to assist the institutions
3 with nonrecurring expenses incurred in—

4 “(i) initiating a summer food service pro-
5 gram for children; or

6 “(ii) expanding a summer food service pro-
7 gram for children.

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

12 “(3) To be eligible to receive a payment under this sub-
13 section, a State educational agency shall submit to the Sec-
14 retary a plan to initiate or expand school breakfast pro-
15 grams conducted in the State, including a description of
16 the manner in which the agency will provide technical as-
17 sistance and funding to schools in the State to initiate or
18 expand the programs.

19 “(4) In making payments under this subsection for
20 any fiscal year to initiate or expand school breakfast pro-
21 grams, the Secretary shall provide a preference to State edu-
22 cational agencies that—

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

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

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

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

9 “(5) In making payments under this subsection for
10 any fiscal year to initiate or expand summer food service
11 programs for children, the Secretary shall provide a pref-
12 erence to States—

13 “(A)(i) in which the numbers of children partici-
14 pating in the summer food service program for chil-
15 dren represent the lowest percentages of the number of
16 children receiving free or reduced price meals under
17 the school lunch program established under the Na-
18 tional School Lunch Act (42 U.S.C. 1751 et seq.); or

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

22 “(B) that submit to the Secretary a plan to ex-
23 pand the summer food service programs for children
24 conducted in the State, including a description of—

1 “(i) the manner in which the State will
2 provide technical assistance and funding to serv-
3 ice institutions in the State to expand the pro-
4 grams; and

5 “(ii) significant public or private resources
6 that have been assembled to carry out the expan-
7 sion of the programs during the year.

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

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

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

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

1 “(10) As used in this subsection:

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

3 “(i) attended by children a significant per-
4 centage of whom are members of low-income
5 families;

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

11 “(II) as used with respect to a summer food
12 service program for children, that agrees to oper-
13 ate the summer food service program for children
14 established or expanded with the assistance pro-
15 vided under this subsection for a period of not
16 less than 3 years.

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

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

1 **SEC. 202. STATE ADMINISTRATIVE EXPENSES.**

2 (a) *WITHHOLDING.*—Section 7(a) of the Child Nutri-
3 tion Act of 1966 (42 U.S.C. 1776(a)) is amended by adding
4 at the end the following new paragraph:

5 “(9)(A) If the Secretary determines that the adminis-
6 tration of any program by a State under this Act (other
7 than section 17) or under the National School Lunch Act
8 (42 U.S.C. 1751 et seq.), or compliance with a regulation
9 issued pursuant to either of such Acts, is seriously deficient,
10 and the State fails to correct the deficiency within a speci-
11 fied period of time, the Secretary may withhold from the
12 State some or all of the funds allocated to the State under
13 this section or under section 13(k)(1) or 17 of the National
14 School Lunch Act (42 U.S.C. 1761(k)(1) or 1766).

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

22 (b) *EXTENSION OF AUTHORITY TO PROVIDE FUNDS*
23 *FOR STATE ADMINISTRATIVE EXPENSES.*—Section 7(h) of
24 such Act (42 U.S.C. 1776(h)) is amended by striking
25 “1994” and inserting “1998”.

1 (c) *PROHIBITION OF FUNDING UNLESS STATE AGREES*
2 *TO PARTICIPATE IN CERTAIN STUDIES OR SURVEYS.*—Sec-
3 *tion 7 of such Act (42 U.S.C. 1776) is amended—*

4 (1) *by redesignating subsection (h) as subsection*
5 *(i); and*

6 (2) *by inserting after subsection (g) the following*
7 *new subsection:*

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

14 **SEC. 203. COMPETITIVE FOODS OF MINIMAL NUTRITIONAL**
15 **VALUE.**

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

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

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

23 (3) *in subsection (b) (as designated by para-*
24 *graph (1))—*

1 (A) by striking “Such regulations” and in-
2 serting “(1) The regulations”; and

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

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

11 “(3) The Secretary shall provide to State agencies, for
12 distribution to private secondary schools and to public sec-
13 ondary schools through local educational agencies, a copy
14 of regulations (in existence on the effective date of this para-
15 graph) concerning the sale of competitive foods of minimal
16 nutritional value.

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

20 **SEC. 204. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.**

21 (a) *DEFINITION OF NUTRITIONAL RISK.*—Section
22 17(b)(8) of the Child Nutrition Act of 1966 (42 U.S.C.
23 1786(b)(8)) is amended—

24 (1) by redesignating subparagraph (D) as sub-
25 paragraph (E);

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

5 (3) in subparagraph (E) (as redesignated by
6 paragraph (1)), by striking “alcoholism and drug ad-
7 diction, homelessness, and” and inserting “homeless-
8 ness and”.

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

12 “(5) The Secretary shall promote the special supple-
13 mental nutrition program by producing and distributing
14 materials, including television and radio public service an-
15 nouncements in English and other appropriate languages,
16 that inform potentially eligible individuals of the benefits
17 and services under the program.”.

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

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

22 “(C) In the case of a pregnant woman who is otherwise
23 ineligible for participation in the program because the fam-
24 ily of the woman is of insufficient size to meet the income
25 eligibility standards of the program, the pregnant woman

1 *shall be considered to have satisfied the income eligibility*
2 *standards if, by increasing the number of individuals in*
3 *the family of the woman by 1 individual, the income eligi-*
4 *bility standards would be met.”; and*

5 (2) *in paragraph (3)—*

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

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

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

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

1 (e) *COORDINATION OF WIC AND MEDICAID PROGRAMS*
2 *USING COORDINATED CARE PROVIDERS.*—Section
3 *17(f)(1)(C)(iii) of such Act (42 U.S.C. 1786(f)(1)(C)(iii))*
4 *is amended by inserting before the semicolon at the end the*
5 *following: “, including medicaid programs that use coordi-*
6 *nated care providers under a contract entered into under*
7 *section 1903(m), or a waiver granted under section 1915(b),*
8 *of the Social Security Act (42 U.S.C. 1396b(m) or*
9 *1396n(b)) (including coordination through the referral of*
10 *potentially eligible women, infants, and children between*
11 *the program authorized under this section and the medicaid*
12 *program)”.*

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

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

23 “(18) Notwithstanding subsection (d)(2)(A)(i), not
24 later than July 1 of each year, a State agency may imple-
25 ment income eligibility guidelines under this section con-

1 *currently with the implementation of income eligibility*
2 *guidelines under the medicaid program established under*
3 *title XIX of the Social Security Act (42 U.S.C. 1396 et*
4 *seq.).”.*

5 *(h) USE OF RECOVERED PROGRAM FUNDS IN YEAR*
6 *COLLECTED.—Section 17(f) of such Act (42 U.S.C. 1786(f))*
7 *is amended by adding at the end the following new para-*
8 *graph:*

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

13 *(i) COORDINATION INITIATIVE FOR WIC AND MEDIC-*
14 *AID PROGRAMS.—Section 17(f) of such Act (42 U.S.C.*
15 *1786(f)) (as amended by subsection (h)) is further amended*
16 *by adding at the end the following new paragraph:*

17 *“(24) The Secretary and the Secretary of Health and*
18 *Human Services shall carry out an initiative to assure*
19 *that, in a case in which a State medicaid program uses*
20 *coordinated care providers under a contract entered into*
21 *under section 1903(m), or a waiver granted under section*
22 *1915(b), of the Social Security Act (42 U.S.C 1396b(m) or*
23 *1396n(b)), coordination between the program authorized by*
24 *this section and the medicaid program is continued, includ-*
25 *ing—*

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

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

6 (j) *EXTENSION OF PROGRAM.*—Section 17 of such Act
7 (42 U.S.C. 1786) is amended—

8 (1) in the first sentence of subsection (g)(1), by
9 striking “1991, 1992, 1993, and 1994” and inserting
10 “1995 through 1998”; and

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

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

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

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

1 (1) *BREASTFEEDING PROMOTION AND SUPPORT AC-*
2 *TIVITIES.—Section 17(h)(3) of such Act (42 U.S.C.*
3 *1786(h)(3)) is amended—*

4 (1) *in subparagraph (A)(i)(II)—*

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

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

12 (2) *by adding at the end the following new sub-*
13 *paragraphs:*

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

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

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

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

7 “(i) an amount that is more than the expendi-
8 ture of the State for fiscal year 1994 on the activities
9 described in subparagraph (A)(i); or

10 “(ii) an amount that is equal to \$21 multiplied
11 by the number of pregnant women and breastfeeding
12 women participating in the program in the State,
13 based on the average number of pregnant women and
14 breastfeeding women so participating during the last
15 3 months for which the Secretary has final data.

16 “(G)(i) If the Secretary determines that a State agency
17 is unable, for reasons the Secretary considers to be appro-
18 priate, to make the expenditure required under subpara-
19 graph (A)(i)(II) for fiscal year 1996, the Secretary may
20 permit the State to make the required level of expenditure
21 not later than October 1, 1996.

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

1 “(I) an amount that is more than the expendi-
2 ture of the State for fiscal year 1995 on the activities
3 described in subparagraph (A)(i); and

4 “(II) an amount that is equal to \$21 multiplied
5 by the number of pregnant women and breastfeeding
6 women participating in the program in the State,
7 based on the average number of pregnant women and
8 breastfeeding women so participating during the last
9 3 months for which the Secretary has final data.”.

10 (m) DEVELOPMENT OF STANDARDS FOR THE COLLEC-
11 TION OF BREASTFEEDING DATA.—Section 17(h)(4) of such
12 Act (42 U.S.C. 1786(h)(4)) is amended—

13 (1) by striking “and” at the end of subpara-
14 graph (C);

15 (2) by striking the period at the end of subpara-
16 graph (D) and inserting “; and”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(E) not later than 1 year after the date of en-
20 actment of this subparagraph, develop uniform re-
21 quirements for the collection of data regarding the in-
22 cidence and duration of breastfeeding among partici-
23 pants in the program and, on development of the uni-
24 form requirements, require each State agency to re-

1 *port the data for inclusion in the report to Congress*
2 *described in subsection (d)(4).”.*

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

8 *(o) COST CONTAINMENT.—*

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

12 *“(ix) Not later than September 30, 1996, the Secretary*
13 *shall offer to solicit bids on behalf of State agencies regard-*
14 *ing cost containment contracts to be entered into by infant*
15 *cereal manufacturers and State agencies. In carrying out*
16 *this clause, the Secretary shall, to the maximum extent fea-*
17 *sible, follow the procedures prescribed in this subparagraph*
18 *regarding offers made by the Secretary with regard to solic-*
19 *iting bids regarding infant formula cost containment con-*
20 *tracts. The Secretary may carry out this clause without is-*
21 *suing regulations.”.*

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

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

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

9 (q) *USE OF UNIVERSAL PRODUCT CODES.*—Section
10 *17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) (as amended*
11 *by subsection (p)) is further amended by adding at the end*
12 *the following new subparagraph:*

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

24 “(ii) The Secretary shall provide a notification to the
25 Committee on Education and Labor of the House of Rep-

1 *representatives and the Committee on Agriculture, Nutrition,*
2 *and Forestry of the Senate regarding whether the system*
3 *is feasible, is cost-effective, reduces the incidence of incorrect*
4 *redemptions described in clause (i), and results in any ad-*
5 *ditional costs to States.*

6 “(iii) *The system shall not require a vendor under the*
7 *program to obtain special equipment and shall not be ap-*
8 *plicable to a vendor that does not have equipment that can*
9 *use universal product codes.”.*

10 *(r) USE OF UNSPENT NUTRITION SERVICES AND AD-*
11 *MINISTRATION FUNDS.—Section 17(h) of such Act (42*
12 *U.S.C. 1786(h)) is amended by adding at the end the follow-*
13 *ing new paragraph:*

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

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

21 “(i) *development of infrastructure for the pro-*
22 *gram under this section, including management in-*
23 *formation systems;*

1 “(ii) special State projects of regional or na-
2 tional significance to improve the services of the pro-
3 gram under this section; and

4 “(iii) special breastfeeding support and pro-
5 motion projects, including projects to assess the effec-
6 tiveness of particular breastfeeding promotion strate-
7 gies and to develop State or local agency capacity or
8 facilities to provide quality breastfeeding services.”.

9 (s) SPENDBACK FUNDS.—Section 17(i)(3) of such Act
10 (42 U.S.C. 1786(i)(3)) is amended—

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

14 (2) by adding at the end the following new sub-
15 paragraph:

16 “(H) The Secretary may authorize a State agency to
17 expend not more than 3 percent of the amount of funds allo-
18 cated to a State under this section for supplemental foods
19 for a fiscal year for expenses incurred under this section
20 for supplemental foods during the preceding fiscal year, if
21 the Secretary determines that there has been a significant
22 reduction in infant formula cost containment savings pro-
23 vided to the State agency that would affect the ability of
24 the State agency to at least maintain the level of participa-
25 tion by eligible participants served by the State agency.”.

1 (t) *ELIMINATION OF DUPLICATIVE MIGRANT RE-*
2 *PORTS.*—Section 17 of such Act (42 U.S.C. 1786) is amend-
3 *ed—*

4 (1) *in subsection (d)(4), by inserting after “Con-*
5 *gress” the following: “and the National Advisory*
6 *Council on Maternal, Infant, and Fetal Nutrition es-*
7 *tablished under subsection (k)”*; and

8 (2) *by striking subsection (j).*

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

14 “(j)(1) *The Secretary and the Secretary of Health and*
15 *Human Services (referred to in this subsection as the ‘Sec-*
16 *retaries’) shall jointly establish and carry out an initiative*
17 *for the purpose of providing both supplemental foods and*
18 *nutrition education under the special supplemental nutri-*
19 *tion program and health care services to low-income preg-*
20 *nant, postpartum, and breastfeeding women, infants, and*
21 *children at substantially more community health centers*
22 *and migrant health centers.*

23 “(2) *The initiative shall also include—*

24 “(A) *activities to improve the coordination of the*
25 *provision of supplemental foods and nutrition edu-*

1 *cation under the special supplemental nutrition pro-*
2 *gram and health care services at facilities funded by*
3 *the Indian Health Service; and*

4 *“(B) the development and implementation of*
5 *strategies to ensure that, to the maximum extent fea-*
6 *sible, new community health centers, migrant health*
7 *centers, and other federally supported health care fa-*
8 *ilities established in medically underserved areas*
9 *provide supplemental foods and nutrition education*
10 *under the special supplemental nutrition program.*

11 *“(3) The initiative may include—*

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

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

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

20 *“(4)(A) Not later than April 1, 1995, the Secretaries*
21 *shall provide to Congress a notification concerning the ac-*
22 *tions the Secretaries intend to take to carry out the initia-*
23 *tive.*

24 *“(B) Not later than July 1, 1996, the Secretaries shall*
25 *provide to Congress a notification concerning the actions*

1 *the Secretaries are taking under the initiative or actions*
2 *the Secretaries intend to take under the initiative as a re-*
3 *sult of their experience in implementing the initiative.*

4 “(C) *On completion of the initiative, the Secretaries*
5 *shall provide to Congress a notification concerning an eval-*
6 *uation of the initiative by the Secretaries and a plan of*
7 *the Secretaries to further the goals of the initiative.*

8 “(5) *As used in this subsection:*

9 “(A) *The term ‘community health center’ has the*
10 *meaning given the term in section 330(a) of the Pub-*
11 *lic Health Service Act (42 U.S.C. 254c(a)).*

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

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

17 (1) *MATCHING REQUIREMENT FOR INDIAN STATE*
18 *AGENCIES.—Section 17(m)(3) of such Act (42 U.S.C.*
19 *1786(m)(3)) is amended by adding at the end the fol-*
20 *lowing new sentence: “The Secretary may negotiate*
21 *with an Indian State agency a lower percentage of*
22 *matching funds than is required under the preceding*
23 *sentence, but not lower than 10 percent of the total*
24 *cost of the program, if the Indian State agency dem-*

1 *onstrates to the Secretary financial hardship for the*
2 *affected Indian tribe, band, group, or council.”.*

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

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

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

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

20 (C) *in clause (iii), strike “for the adminis-*
21 *tration of the program”.*

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

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

8 (4) *FUNDING REDUCTION FLOOR.—Section*
9 *17(m)(6)(B)(ii) of such Act (42 U.S.C.*
10 *1786(m)(6)(B)(ii)) is amended by striking “\$50,000”*
11 *each place it appears and inserting “\$75,000”.*

12 (5) *STATE PLAN SUBMISSION DATE.—Section*
13 *17(m)(6)(D)(i) of such Act (42 U.S.C.*
14 *1786(m)(6)(D)(i)) is amended by striking “at such*
15 *time and in such manner as the Secretary may rea-*
16 *sonably require” and inserting “by November 15 of*
17 *each year”.*

18 (6) *PERCENTAGE OF ANNUAL APPROPRIATIONS*
19 *AVAILABLE TO STATES UNDER FARMERS’ MARKET NU-*
20 *TRITION PROGRAM.—Section 17(m)(6)(G) of such Act*
21 *(42 U.S.C. 1786(m)(6)(G)) is amended—*

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

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

4 (7) DATA COLLECTION REQUIREMENTS.—Section
5 17(m)(8) of such Act (42 U.S.C. 1786(m)(8)) is
6 amended by striking subparagraphs (D) and (E) and
7 inserting the following new subparagraphs:

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

11 “(E) the effects of the program on farmers’ mar-
12 kets, if the information is available; and”.

13 (8) EXTENSION OF COUPON PROGRAM.—Section
14 17(m)(10)(A) of such Act (42 U.S.C.
15 1786(m)(10)(A)) is amended—

16 (A) by striking “\$3,000,000 for fiscal year
17 1992, \$6,500,000 for fiscal year 1993, and”; and

18 (B) by inserting before the period at the end
19 “, \$10,500,000 for fiscal year 1995, and such
20 sums as may be necessary for each of fiscal years
21 1996 through 1998”.

22 (9) ELIMINATION OF FUNDING CARRYOVER PRO-
23 VISION UNDER FARMERS’ MARKET NUTRITION PRO-
24 GRAM.—Section 17(m)(10)(B)(i) of such Act (42
25 U.S.C. 1786(m)(10)(B)(i)) is amended—

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

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

7 (10) *ELIMINATION OF REALLOCATION OF UNEX-*
8 *PENDED FUNDS WITH RESPECT TO DEMONSTRATION*
9 *PROJECTS UNDER FARMERS’ MARKET NUTRITION PRO-*
10 *GRAM.*—Section 17(m)(10)(B)(ii) of such Act (42
11 U.S.C. 1786(m)(10)(B)(ii)) is amended by striking
12 the second sentence.

13 (11) *DEFINITION.*—Section 17(m)(11)(D) of such
14 Act (42 U.S.C. 1786(m)(11)(D)) is amended by in-
15 serting before the period at the end the following:
16 “and any other agency approved by the chief execu-
17 tive officer of the State”.

18 (12) *PROMOTION BY THE SECRETARY.*—The Sec-
19 retary of Agriculture shall promote the use of farmers’
20 markets by recipients of Federal nutrition programs
21 administered by the Secretary.

22 (w) *CHANGE IN NAME OF PROGRAM.*—

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

1 (A) by striking the section heading and in-
2 serting the following new section heading:

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

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

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

13 (D) in subsection (o)(1)(B), by striking
14 “special supplemental food program” and insert-
15 ing “special supplemental nutrition program”.

16 (2) CONFORMING AMENDMENTS.—

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

22 (B) Section 685(b)(8) of the Individuals
23 with Disabilities Education Act (20 U.S.C.
24 1484a(b)(8)) is amended by striking “Special
25 Supplemental Food Program for Women, Infants
26 and Children” and inserting “special supple-

1 *mental nutrition program for women, infants,*
2 *and children”.*

3 (C) *Section 3803(c)(2)(C)(x) of title 31,*
4 *United States Code, is amended by striking “spe-*
5 *cial supplemental food program” and inserting*
6 *“special supplemental nutrition program”.*

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

12 (E) *Paragraphs (11)(C) and (53)(A) of sec-*
13 *tion 1902(a) of the Social Security Act (42*
14 *U.S.C. 1396a(a)) are each amended by striking*
15 *“special supplemental food program” and insert-*
16 *ing “special supplemental nutrition program”.*

17 (F) *Section 202(b) of the WIC Infant For-*
18 *mula Procurement Act of 1992 (Public Law*
19 *102–512; 42 U.S.C. 1786 note) is amended by*
20 *striking “special supplemental food program”*
21 *and inserting “special supplemental nutrition*
22 *program”.*

23 (3) *REFERENCES.—Any reference to the special*
24 *supplemental food program established under section*
25 *17 of the Child Nutrition Act of 1966 (42 U.S.C.*

1 (c) *NUTRITION EDUCATION AND TRAINING.*—Section
2 19(d) of such Act (42 U.S.C. 1788(d)) is amended—

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

6 (2) in the first sentence of paragraph (4), by
7 striking “educational and school food service person-
8 nel” and inserting “educational, school food service,
9 child care, and summer food service personnel”; and

10 (3) in the first sentence of paragraph (5), by in-
11 sserting after “schools” the following: “, and in child
12 care institutions and summer food service institu-
13 tions,”.

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

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

18 (2) by striking “for (A) employing” and insert-
19 ing “for—

20 “(i) employing”;

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

23 (4) by indenting the margins of each of clauses
24 (ii) through (ix) (as redesignated by paragraph (3))

1 *so as to align with the margins of clause (i) (as*
2 *amended by paragraph (2));*

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

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

5 *(7) by inserting after clause (viii) the following*
6 *new clauses:*

7 *“(ix) providing funding for a nutrition compo-*
8 *nent that can be offered in consumer and home-*
9 *making education programs as well as in the health*
10 *education curriculum offered to children in kinder-*
11 *garten through grade 12;*

12 *“(x) instructing teachers, school administrators,*
13 *or other school staff on how to promote better nutri-*
14 *tional health and to motivate children from a variety*
15 *of linguistic and cultural backgrounds to practice*
16 *sound eating habits;*

17 *“(xi) developing means of providing nutrition*
18 *education in language appropriate materials to chil-*
19 *dren and families of children through after-school*
20 *programs;*

21 *“(xii) training in relation to healthy and nutri-*
22 *tious meals;*

23 *“(xiii) creating instructional programming, in-*
24 *cluding language appropriate materials and pro-*
25 *gramming, for teachers, school food service personnel,*

1 *and parents on the relationships between nutrition*
2 *and health and the role of the Food Guide Pyramid*
3 *established by the Secretary;*

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

6 *“(xv) encouraging public service advertisements,*
7 *including language appropriate materials and adver-*
8 *tisements, to promote healthy eating habits for*
9 *children;*

10 *“(xvi) coordinating and promoting nutrition*
11 *education and training activities in local school dis-*
12 *tricts (incorporating, to the maximum extent prac-*
13 *ticable, as a learning laboratory, child nutrition*
14 *programs);*

15 *“(xvii) contracting with public and private non-*
16 *profit educational institutions for the conduct of nu-*
17 *trition education instruction and programs relating*
18 *to the purpose of this section;*

19 *“(xviii) increasing public awareness of the im-*
20 *portance of breakfasts for providing the energy nec-*
21 *essary for the cognitive development of school-age*
22 *children;*

23 *“(xix) coordinating and promoting nutrition*
24 *education and training activities carried out under*
25 *child nutrition programs, including the summer food*

1 *service program for children established under section*
2 *13 of the National School Lunch Act (42 U.S.C. 1761)*
3 *and the child and adult care food program established*
4 *under section 17 of such Act (42 U.S.C. 1766); and”;*
5 *and*

6 *(8) by adding at the end the following new sub-*
7 *paragraph:*

8 *“(B) As used in this paragraph, the term ‘language*
9 *appropriate’ used with respect to materials, programming,*
10 *or advertisements means materials, program-*
11 *ming, or advertisements, respectively, using a*
12 *language other than the English language in a case in*
13 *which the language is dominant for a large percentage of*
14 *individuals participating in the program.”.*

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

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

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

4 (1) *in the first sentence of paragraph (2), by in-*
5 *serting “and training” after “education”; and*

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

7 (A) *by striking “and” at the end of sub-*
8 *paragraph (D); and*

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

14 (g) *AUTHORIZATION OF APPROPRIATIONS.*—Section
15 *19(i)(2)(A) of such Act (42 U.S.C. 1788(i)(2)(A)) is amend-*
16 *ed to read as follows:*

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

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

3 (1) by redesignating paragraph (3) as para-
4 graph (4); and

5 (2) by inserting after paragraph (2) the follow-
6 ing new paragraph:

7 “(3) Funds made available to any State under this
8 section shall remain available to the State for obligation
9 in the fiscal year succeeding the fiscal year in which the
10 funds were received by the State.”

11 ***TITLE III—MISCELLANEOUS***
12 ***PROVISIONS***

13 ***SEC. 301. CONSOLIDATION OF SCHOOL LUNCH PROGRAM***
14 ***AND SCHOOL BREAKFAST PROGRAM INTO***
15 ***COMPREHENSIVE MEAL PROGRAM.***

16 (a) *IN GENERAL.*—Notwithstanding any provision of
17 National School Lunch Act (42 U.S.C. 1751 et seq.) or the
18 Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except
19 as otherwise provided in this section, the Secretary of Agri-
20 culture shall, not later than 18 months after the date of
21 enactment of this Act, develop and implement regulations
22 to consolidate the school lunch program under the National
23 School Lunch Act (42 U.S.C. 1751 et seq.) and the school
24 breakfast program under section 4 of the Child Nutrition

1 *Act of 1966 (42 U.S.C. 1773) into a comprehensive meal*
2 *program.*

3 **(b) REQUIREMENTS.**—*In establishing the comprehen-*
4 *sive meal program under subsection (a), the Secretary shall*
5 *meet the following requirements:*

6 **(1)** *The Secretary shall ensure that the program*
7 *continues to serve children who are eligible for free*
8 *and reduced price meals. The meals shall meet the nu-*
9 *tritional requirements of section 9(a)(1) of the Na-*
10 *tional School Lunch Act (42 U.S.C. 1758(a)(1)) and*
11 *section 4(e)(1) of the Child Nutrition Act of 1966 (42*
12 *U.S.C. 1773(e)(1)).*

13 **(2)** *The Secretary shall continue to make break-*
14 *fast assistance payments in accordance with section 4*
15 *of the Child Nutrition Act of 1966 (42 U.S.C. 1773)*
16 *and food assistance payments in accordance with the*
17 *National School Lunch Act (42 U.S.C. 1751 et seq.).*

18 **(3)** *The Secretary may not consolidate any as-*
19 *pect of the school lunch program or the school break-*
20 *fast program with respect to any matter described in*
21 *any of subparagraphs (A) through (N) of section*
22 *12(k)(4) of the National School Lunch Act (42 U.S.C.*
23 *1760(k)(4)).*

24 **(c) PLAN AND RECOMMENDATIONS.**—

1 (1) *PLAN FOR CONSOLIDATION AND SIMPLIFICA-*
2 *TION.—Not later than 180 days prior to implement-*
3 *ing the regulations described in subsection (a), the*
4 *Secretary shall prepare and submit to the Committee*
5 *on Education and Labor of the House of Representa-*
6 *tives and the Committee on Agriculture, Nutrition,*
7 *and Forestry of the Senate a plan for the consolida-*
8 *tion and simplification of the school lunch program*
9 *and the school breakfast program.*

10 (2) *RECOMMENDATIONS WITH RESPECT TO*
11 *CHANGE IN PAYMENT AMOUNTS.—If the Secretary*
12 *proposes to change the amount of the breakfast assist-*
13 *ance payment or the food assistance payment under*
14 *the comprehensive meal program, the Secretary shall*
15 *not include the change in the consolidation and shall*
16 *prepare and submit to the Committee on Education*
17 *and Labor, and the Committee on Agriculture, of the*
18 *House of Representatives and the Committee on Agri-*
19 *culture, Nutrition, and Forestry of the Senate rec-*
20 *ommendations for legislation to effect the change.*

1 **SEC. 302. STUDY AND REPORT RELATING TO USE OF PRI-**
2 **VATE FOOD ESTABLISHMENTS AND CATER-**
3 **ERS UNDER SCHOOL LUNCH PROGRAM AND**
4 **SCHOOL BREAKFAST PROGRAM.**

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

14 (1) *examine the extent to which, manner in*
15 *which, and terms under which the private food estab-*
16 *lishments and caterers supply meals and food to stu-*
17 *dents and schools that participate in the school lunch*
18 *program or the school breakfast program;*

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

21 (3) *evaluate the impact that the services provided*
22 *by the establishments and caterers have on local child*
23 *nutrition programs and the ability of the establish-*
24 *ments and caterers to utilize the commodities under*
25 *section 14 of the National School Lunch Act (42*
26 *U.S.C. 1762a); and*

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

5 **SEC. 304. STUDY OF THE EFFECT OF COMBINING FEDER-**
6 **ALLY DONATED AND FEDERALLY INSPECTED**
7 **MEAT OR POULTRY.**

8 (a) *STUDY.*—*The Comptroller General of the United*
9 *States shall conduct a study on the incidence and the effect*
10 *of States restricting or prohibiting a legally contracted com-*
11 *mercial entity from physically combining federally donated*
12 *and inspected meat or poultry from another State.*

13 (b) *REPORT.*—*Not later than September 1, 1996, the*
14 *Comptroller General of the United States shall submit to*
15 *the Committee on Education and Labor and the Committee*
16 *on Agriculture of the House of Representatives and the*
17 *Committee on Agriculture, Nutrition, and Forestry of the*
18 *Senate a report that describes the findings, determinations,*
19 *and evaluations of the study conducted pursuant to sub-*
20 *section (a).*

21 **TITLE IV—EFFECTIVE DATE**

22 **SEC. 401. EFFECTIVE DATE.**

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

S 1614 EAH—2

S 1614 EAH—3

S 1614 EAH—4

S 1614 EAH—5

S 1614 EAH—6

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S 1614 EAH—8

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103RD CONGRESS
2^D SESSION

S. 1614

AMENDMENT