

Public Law 101-147
101st Congress

An Act

To amend the Child Nutrition Act of 1966 and the National School Lunch Act to revise and extend certain authorities contained in such Acts, and for other purposes.

Nov. 10, 1989
[H.R. 24]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Child Nutrition and WIC Reauthorization Act of 1989”.

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

Child Nutrition
and WIC
Reauthorization
Act of 1989.
49 USC 1751
note.

Sec. 1. Short title; table of contents.

Sec. 2. Effective date.

TITLE I—PROGRAMS UNDER THE NATIONAL SCHOOL LUNCH ACT AND
THE CHILD NUTRITION ACT OF 1966

PART A—PROGRAMS UNDER THE NATIONAL SCHOOL LUNCH ACT

- Sec. 101. Types of milk to be included in school lunches.
- Sec. 102. Extension of summer food service program for children.
- Sec. 103. Extension of commodity distribution program.
- Sec. 104. Repeal of National Advisory Council.
- Sec. 105. Child care food program.
- Sec. 106. Meal supplements for children in afterschool care.
- Sec. 107. Pilot projects.
- Sec. 108. Reduction of paperwork.
- Sec. 109. Training, technical assistance, and food service management institute.
- Sec. 110. Compliance and accountability.
- Sec. 111. Information on income eligibility.
- Sec. 112. Nutrition guidance for child nutrition programs.

PART B—PROGRAMS UNDER THE CHILD NUTRITION ACT OF 1966

- Sec. 121. Expansion of school breakfast program.
- Sec. 122. State administrative expenses.
- Sec. 123. Additional activities and requirements with respect to special supplemental food program for women, infants, and children.
- Sec. 124. Nutrition education and training.

PART C—CROSS-PROGRAM PROVISION

- Sec. 131. Determination of total commodity assistance for the school lunch and child care food programs.

TITLE II—PAPERWORK REDUCTION AMENDMENTS

PART A—REDUCTION OF PAPERWORK UNDER THE NATIONAL SCHOOL LUNCH ACT

- Sec. 201. Permanency of State-local agreements for carrying out the school lunch program.
- Sec. 202. Income documentation requirements.
- Sec. 203. Reports to State educational agencies.
- Sec. 204. 2-year applications under child care food program.
- Sec. 205. Pilot projects for alternative counting methods.

PART B—REDUCTION OF PAPERWORK UNDER THE CHILD NUTRITION ACT OF 1966

- Sec. 211. State-local agreements for carrying out the special milk program.

- Sec. 212. Permanency of State-local agreements for carrying out the school breakfast program.
- Sec. 213. Paperwork reduction requirements under the special supplemental food program for women, infants, and children.
- Sec. 214. Updating of plans for nutrition education and training.

TITLE III—TECHNICAL AMENDMENTS

PART A—AMENDMENTS TO THE NATIONAL SCHOOL LUNCH ACT

- Sec. 301. Apportionments to States.
- Sec. 302. Direct Federal expenditures.
- Sec. 303. Payments to States.
- Sec. 304. State disbursement to schools.
- Sec. 305. Nutritional and other program requirements.
- Sec. 306. Miscellaneous provisions and definitions.
- Sec. 307. Summer food service program for children.
- Sec. 308. Repeal of obsolete provision relating to temporary emergency assistance.
- Sec. 309. Election to receive cash payments.
- Sec. 310. Child care food program.
- Sec. 311. Pilot projects.
- Sec. 312. General amendments.

PART B—AMENDMENTS TO THE CHILD NUTRITION ACT OF 1966

- Sec. 321. Special milk program authorization.
- Sec. 322. School breakfast program authorization.
- Sec. 323. Regulations.
- Sec. 324. Appropriations for administrative expense.
- Sec. 325. Miscellaneous provisions and definitions.
- Sec. 326. Special supplemental food program.
- Sec. 327. Nutrition education and training.

42 USC 1751
note.

SEC. 2. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of the enactment of this Act.

TITLE I—PROGRAMS UNDER THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966

PART A—PROGRAMS UNDER THE NATIONAL SCHOOL LUNCH ACT

SEC. 101. TYPES OF MILK TO BE INCLUDED IN SCHOOL LUNCHES.

(a) **ELIMINATION OF DUPLICATE PROVISIONS.**—Section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)), as similarly amended first by section 322 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-361), later by section 322 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-364), and later by section 4202 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if only the latest amendment was enacted.

(b) **GENERAL AUTHORITY.**—Paragraph (2) of section 9(a) of the National School Lunch Act (as amended by subsection (a) of this section) (42 U.S.C. 1758(a)) is amended to read as follows:

“(2) Lunches served by schools participating in the school lunch program under this Act shall offer students fluid whole milk and fluid unflavored lowfat milk.”.

SEC. 102. EXTENSION OF SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) IN GENERAL.—Section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended—

(1) in subsection (a)—

(A) by amending subparagraph (C) of paragraph (3) to read as follows:

“(C)(i) conduct a regularly scheduled food service for children from areas in which poor economic conditions exist;

Disadvantaged persons.

“(ii) conduct a regularly scheduled food service primarily for homeless children; or

Homeless persons.

“(iii) qualify as camps; and”;

(B) in paragraph (4)—

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

(ii) by striking the period at the end of subparagraph

(E) and inserting “; and”; and

(iii) by inserting after subparagraph (E) the following new subparagraph:

“(F) private nonprofit organizations eligible under paragraph (7).”;

(C) in paragraph (7)—

(i) by amending subparagraph (A) to read as follows:

“(A) Except as provided in subparagraph (C), private nonprofit organizations, as defined in subparagraph (B) (other than organizations eligible under paragraph (1)), shall be eligible for the program under the same terms and conditions as other service institutions.”;

(ii) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

“(i)(I) serve a total of not more than 2,500 children per day at not more than 5 sites in any urban area, with not more than 300 children being served at any 1 site (or, with a waiver granted by the State under standards developed by the Secretary, not more than 500 children being served at any 1 site); or

Urban areas.

“(II) serve a total of not more than 2,500 children per day at not more than 20 sites in any rural area, with not more than 300 children being served at any 1 site (or, with a waiver granted by the State under standards developed by the Secretary, not more than 500 children being served at any 1 site);”;

Rural areas.

(II) in clause (ii), by inserting “or a school participating in the school lunch program under this Act” after “university”; and

(III) in clause (v), by inserting “or families” after “children”; and

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

“(C)(i) Except as provided in clause (ii), no private nonprofit organization (other than organizations eligible under paragraph (1)) may participate in the program in an area where a school food authority or a local, municipal, or county government participated in the program before such organization applied to participate until the expiration of the 1-year period beginning on the date that such school food authority or local, municipal, or county government terminated its participation in the program.

“(ii) Clause (i) shall not apply if the appropriate State agency or regional office of the Department of Agriculture (whichever administers the program in the area concerned), after consultation with

the school food authority or local, municipal, or county government concerned, determines that such school food authority or local, municipal, or county government would have discontinued its participation in the program regardless of whether a private non-profit organization was available to participate in the program in such area.”;

(2) in subsection (c)—

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

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

Disadvantaged
persons.

“(2)(A) Notwithstanding any other provision of this Act, any higher education institution that receives reimbursements under the program for meals and meal supplements served to low-income children under the National Youth Sports Program is eligible to receive reimbursements for not more than 2 meals or 1 meal and 1 meal supplement per day for not more than 30 days for each child participating in a National Youth Sports Program operated by such institution during the months other than May through September. The program under this paragraph shall be administered within the State by the same State agency that administers the program during the months of May through September.

State and local
governments.

“(B) Children participating in National Youth Sports Programs operated by higher education institutions, and such higher education institutions, shall be eligible to participate in the program under this paragraph without application.

“(C) Higher education institutions shall be reimbursed for meals and meal supplements served under this paragraph—

“(i) in the case of lunches and suppers, at the same rates as the payment rates established for free lunches under section 11; and

“(ii) in the case of breakfasts or meal supplements, at the same rates as the severe need payment rates established for free breakfasts under section 4 of the Child Nutrition Act of 1966.

“(D)(i) Meals for which a higher education institution is reimbursed under this paragraph shall fulfill the minimum nutritional requirements and meal patterns prescribed by the Secretary—

“(I) for meals served under the school lunch program under this Act, in the case of reimbursement for lunches or suppers; and

“(II) for meals served under the school breakfast program under section 4 of the Child Nutrition Act of 1966, in the case of reimbursement for breakfasts.

“(ii) The Secretary may modify the minimum nutritional requirements and meal patterns prescribed by the Secretary for meals served under the school breakfast program under section 4 of the Child Nutrition Act of 1966 for application to meal supplements for which a higher education institution is reimbursed under this paragraph.

Regulations.

“(E) The Secretary shall issue regulations governing the implementation, operation, and monitoring of programs receiving assistance under this paragraph that, to the maximum extent practicable, are comparable to those established for higher education institutions participating in the National Youth Sports Program and receiving reimbursements under the program for the months of May through September.”;

(3) in the first sentence of subsection (l)(1), by inserting "(other than private nonprofit organizations eligible under subsection (a)(7))" after "Service institutions";

(4) by redesignating subsection (p) as subsection (r);

(5) by inserting after subsection (o) the following new subsections:

"(p) During the fiscal years 1990 and 1991, the Secretary and the States shall carry out a program to disseminate to potentially eligible private nonprofit organizations information concerning the amendments made by the Child Nutrition and WIC Reauthorization Act of 1989 regarding the eligibility under subsection (a)(7) of private nonprofit organizations for the program established under this section.

State and local governments.

"(q)(1) In addition to the normal monitoring of organizations receiving assistance under this section, the Secretary shall establish a system under which the Secretary and the States shall monitor the compliance of private nonprofit organizations with the requirements of this section and with regulations issued to implement this section.

State and local governments.

"(2) Application forms or other printed materials provided by the Secretary or the States to persons who intend to apply to participate as private nonprofit organizations shall contain a warning in bold lettering explaining, at a minimum—

"(A) the criminal provisions and penalties established by subsection (o); and

"(B) the procedures for termination of participation in the program as established by regulations.

"(3) The Secretary shall require each State to establish and implement an ongoing training and technical assistance program for private nonprofit organizations that provides information on program requirements, procedures, and accountability. The Secretary shall provide assistance to State agencies regarding the development of such training and technical assistance programs.

"(4) In the fiscal year 1990 and each succeeding fiscal year, the Secretary may reserve for purposes of carrying out paragraphs (1) and (3) of this subsection not more than $\frac{1}{2}$ of 1 percent of amounts appropriated for purposes of carrying out this section.

"(5) For the purposes of this subsection, the term 'private nonprofit organization' has the meaning given such term in subsection (a)(7)(B)."; and

(6) in subsection (r) (as redesignated by paragraph (4) of this subsection), by striking "For" and all that follows through "1989," and inserting "For the fiscal year beginning October 1, 1977, and each succeeding fiscal year ending before October 1, 1994,".

(b) IMPLEMENTATION.—

(1) **IN GENERAL.**—Not later than February 1, 1990, the Secretary of Agriculture shall issue regulations to implement the amendments made by paragraphs (1), (3), (4), and (5) of subsection (a). Notwithstanding the provisions of section 553 of title 5, United States Code, the Secretary of Agriculture may issue such regulations without providing notice or an opportunity for public comment.

Regulations.
Effective dates.
42 USC 1761
note.

(2) **NATIONAL YOUTH SPORTS PROGRAM.**—(A) Subparagraphs (A), (B), (C), and (D)(i) of section 13(c)(2) of the National School Lunch Act (as added by subsection (a)(2)(B) of this section) shall be effective as of October 1, 1989.

(B) Not later than February 1, 1990, the Secretary of Agriculture shall—

- (i) issue final regulations to implement subparagraph (D)(ii) of section 13(c)(2) of the National School Lunch Act (as added by subsection (a)(2)(B) of this section); and
- (ii) issue final regulations under subparagraph (E) of such section.

(3) EXTENSION OF AUTHORIZATION.—The amendments made by subsection (a)(6) shall be effective as of October 1, 1989.

SEC. 103. EXTENSION OF COMMODITY DISTRIBUTION PROGRAM.

(a) GENERAL AUTHORITY.—Subsection (a) of section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended by striking “1989” and inserting “1994”.

(b) ELIMINATION OF DUPLICATE PROVISIONS.—

(1) IN GENERAL.—Section 14(g) of the National School Lunch Act (42 U.S.C. 1762a(g)), as similarly added first by section 363 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-368), later by section 363 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-371), and later by section 4403 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), and as then amended by section 2 of Public Law 100-356, is amended to read as if only the amendment made by section 4403 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987, was enacted.

(2) COMPUTATION OF CASH COMPENSATION TO DISTRICTS UNDER PUBLIC LAW 100-356.—(A) Paragraph (3) of section 14(g) of the National School Lunch Act (as amended by paragraph (1) of this subsection) (42 U.S.C. 1762a(g)) is amended—

(i) by adding at the end of subparagraph (A) the following new sentences: “The Secretary, in computing losses sustained by any school district under the preceding sentence, shall base such computation on the actual amount of assistance received by such school district under this Act for the school year ending June 30, 1982, including—

“(i) the value of assistance in the form of commodities provided in addition to those provided pursuant to section 6(e) of this Act; and

“(ii) the value of assistance provided in the form of either cash or commodity letters of credit.

The Secretary may provide cash compensation under this subparagraph only to eligible school districts that submit applications for such compensation not later than May 1, 1988.”; and

(ii) in subparagraph (B), by striking “\$50,000” and inserting “such sums as may be necessary”.

(B) The amendments made by subparagraph (A) shall take effect as if such amendments had been effective on June 28, 1988.

(c) COMPUTATION OF CASH COMPENSATION TO DISTRICTS.—Section 14(g)(3)(A) of the National School Lunch Act (as amended by subsection (b) of this section) (42 U.S.C. 1762a(g)(3)(A)) is amended by striking the second sentence and all that follows and inserting the following: “The Secretary, in computing losses sustained by any

Effective date.
42 USC 1762a
note.

school district under the preceding sentence, shall base such computation on the difference between the value of bonus commodity assistance received by such school district under this Act for the school year ending June 30, 1983, and the value of bonus commodities received by such school district under this Act for the school year ending June 30, 1982. For the purposes of this subparagraph—

“(i) the term ‘bonus commodities’ means commodities provided in addition to commodities provided pursuant to section 6(e); and

“(ii) the term ‘bonus commodity assistance’ means assistance, in the form of bonus commodities, cash, or commodity letters of credit, provided in addition to assistance provided pursuant to section 6(e).

The Secretary may provide cash compensation under this subparagraph only to eligible school districts that submit applications for such compensation not later than 1 year after the date of the enactment of the Child Nutrition and WIC Reauthorization Act of 1989. The Secretary shall, during the 45-day period beginning on October 1, 1990, complete action on any claim submitted under this subparagraph.”.

SEC. 104. REPEAL OF NATIONAL ADVISORY COUNCIL.

Section 15 of the National School Lunch Act (42 U.S.C. 1763) is repealed.

SEC. 105. CHILD CARE FOOD PROGRAM.

(a) **AMENDMENT TO HEADING.**—The heading for section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended to read as follows:

“CHILD AND ADULT CARE FOOD PROGRAM”.

(b) **OTHER AMENDMENTS TO SECTION 17.**—Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subparagraph (C) of subsection (f)(3)—

(A) in the first sentence, by inserting before the period the following: “and expansion funds to finance the administrative expenses for such institutions to expand into low-income or rural areas”;

(B) in the second sentence, by inserting “and expansion funds” after “start-up funds”;

(C) in the third sentence, by inserting “and expansion funds” after “Start-up funds”;

(D) in the fourth sentence, by inserting “and expansion funds” after “start-up funds”;

(E) in the fifth sentence, by inserting “and expansion funds” after “start-up funds”; and

(F) by inserting after the first sentence the following new sentence: “Institutions that have received start-up funds may also apply at a later date for expansion funds.”;

(2) in subsection (l)—

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

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

“(2) The Secretary shall conduct demonstration projects to test innovative approaches to remove or reduce barriers to participation in the program established under this section regarding family or group day care homes that operate in low-income areas or that primarily serve low-income children. As part of such demonstration

Disadvantaged
persons.

State and local
governments.
Day Care.

projects, the Secretary may provide grants to, or otherwise modify administrative reimbursement rates for, family or group day care home sponsoring organizations.

"(3) The Secretary and the States shall provide training and technical assistance to assist family and group day care home sponsoring organizations in reaching low-income children.";

(3) in subsection (p)—

(A) by adding at the end of paragraph (1) the following: "Lunches served by each such institution for which reimbursement is claimed under this section shall provide, on the average, approximately $\frac{1}{4}$ of the daily recommended dietary allowance established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences. Such institutions shall make reasonable efforts to serve meals that meet the special dietary requirements of participants, including efforts to serve foods in forms palatable to participants."; and

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

"(6) The Governor of any State may designate to administer the program under this subsection a State agency other than the agency that administers the child care food program under this section."; and

State and local
governments.
Day Care.

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

"(q)(1) From amounts appropriated or otherwise made available for purposes of carrying out this section, the Secretary shall carry out 2 statewide demonstration projects under which private for-profit organizations providing nonresidential day care services shall qualify as institutions for the purposes of this section. An organization may participate in a demonstration project described in the preceding sentence if—

"(A) at least 25 percent of the children served by such organization meet the income eligibility criteria established under section 9(b) for free or reduced price meals; and

"(B) as a result of the participation of the organization in the project—

"(i) the nutritional content or quality of meals and snacks served to children under the care of such organization will be improved; or

"(ii) fees charged by such organization for the care of the children described in subparagraph (A) will be lowered.

"(2) Under each such project, the Secretary shall examine—

"(A) the budgetary impact of the change in eligibility being tested;

"(B) the extent to which, as a result of such change, additional low-income children can be reached; and

"(C) which outreach methods are most effective.

"(3) The Secretary shall choose to conduct demonstration projects under this subsection—

"(A) 1 State that—

"(i) has a history of participation of for-profit organizations in the child care food program;

"(ii) allocates a significant proportion of the amounts it receives for child care under title XX of the Social Security Act in a manner that allows low-income parents to choose the type of child care their children will receive;

"(iii) has other funding mechanisms that support parental choice for child care;

"(iv) has a large, State-regulated for-profit child care industry that serves low-income children; and

"(v) has large sponsors of family or group day care homes that have a history of recruiting and sponsoring for-profit child care centers in the child care food program; and

"(B) 1 State in which—

"(i) the majority of children for whom child care arrangements are made are being cared for in center-based child care facilities;

"(ii) for-profit child care centers and preschools are located throughout the State and serve both rural and urban populations;

"(iii) at least $\frac{1}{3}$ of the licensed child care centers and preschools operate as for-profit facilities;

"(iv) all licensed facilities are subject to identical nutritional requirements for food service that are similar to those required under the child care food program; and

"(v) less than 1 percent of child care centers participating in the child care food program receive assistance under title XX of the Social Security Act.

"(4) Such project shall—

"(A) commence not earlier than May 1, 1990, and not later than June 30, 1990; and

"(B) terminate on September 30, 1992."

(c) FAMILY OR GROUP DAY CARE HOME DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Section 503(e) of the Hunger Prevention Act of 1988 (42 U.S.C. 1766 note) is amended by striking "not later than 12 months after the date on which the project was fully initiated" and inserting "September 30, 1990".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as of October 1, 1989. The Secretary of Agriculture shall reimburse day care institutions and family or group day care sponsoring organizations participating in the demonstration project authorized under section 503(a) of the Hunger Prevention Act of 1988 (42 U.S.C. 1766 note) as if this Act was enacted before such date.

42 USC 1766
note.

(d) IMPLEMENTATION.—

(1) EXPANSION; DEMONSTRATION PROJECT.—The Secretary of Agriculture shall implement the amendments made by subsections (b)(1) and (b)(2) not later than July 1, 1990.

42 USC 1766
note.

(2) DIETARY REQUIREMENTS FOR ADULT DAY CARE FOOD PROGRAM.—Not later than July 1, 1990, the Secretary of Agriculture shall issue final regulations to implement the amendments made by subsection (b)(3).

Regulations.

SEC. 106. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

(a) GENERAL AUTHORITY.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 17 the following new section:

"SEC. 17A. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

42 USC 1766a.

"(a) GENERAL AUTHORITY.—

"(1) GRANTS TO STATES.—The Secretary shall carry out a program to assist States through grants-in-aid and other means to provide meal supplements to children in afterschool care in eligible elementary and secondary schools.

"(2) **ELIGIBLE SCHOOLS.**—For the purposes of this section, the term 'eligible elementary and secondary schools' means schools that—

"(A) operate school lunch programs under this Act;

"(B) sponsor afterschool care programs; and

"(C) are participating in the child care food program under section 17 on May 15, 1989.

"(b) **ELIGIBLE CHILDREN.**—Reimbursement may be provided under this section only for supplements served to children—

"(1) who are not more than 12 years of age; or

"(2) in the case of children of migrant workers or children with handicaps, who are not more than 15 years of age.

"(c) **REIMBURSEMENT.**—For the purposes of this section, the national average payment rate for supplements shall be equal to those established under section 17(c)(3) (as adjusted pursuant to section 11(a)(3)).

"(d) **CONTENTS OF SUPPLEMENTS.**—The requirements that apply to the content of meal supplements served under child care food programs operated with assistance under this Act shall apply to the content of meal supplements served under programs operated with assistance under this section."

Regulations.
42 USC 1766a
note.

(b) **IMPLEMENTATION.**—Not later than July 1, 1990, the Secretary of Agriculture shall issue final regulations to implement section 17A of the National School Lunch Act (as added by subsection (a) of this section).

SEC. 107. PILOT PROJECTS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended—

(1) in paragraph (1) of subsection (e)—

(A) by striking "for the duration beginning July 1, 1987, and ending December 31, 1990" and inserting "beginning July 1, 1987, and ending September 30, 1992"; and

Contracts.

(B) by adding at the end the following new sentence: "The Secretary, directly or through contract, shall administer the project under this subsection."; and

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

"(f)(1) The Secretary shall conduct demonstration projects designed to provide food service throughout the year to homeless children under the age of 6 in emergency shelters.

Contracts.

"(2)(A) The Secretary shall enter into agreements with private nonprofit organizations to participate in the projects under this subsection.

"(B) The Secretary shall establish eligibility requirements for private nonprofit organizations that desire to participate in the projects under this subsection. Such requirements shall include the following:

Homeless
persons.

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

Safety.

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

"(3)(A) Projects under this subsection shall use the same meal patterns and shall receive reimbursement payments for meals and supplements at the same rates provided to child care centers partici-

pating in the child care food program under section 17 for free meals and supplements.

"(B) Homeless children under the age of 6 in emergency shelters shall be considered eligible for free meals without application.

Homeless persons.

"(4) For purposes of this subsection, the term 'emergency shelter' has the meaning given such term in section 321(2) of the Stewart B. McKinney Homeless Assistance Act.

"(5)(A) Except as provided in subparagraph (B), the Secretary shall expend to carry out this subsection from amounts appropriated for purposes of carrying out this Act not less than \$50,000 in the fiscal year 1990 and not less than \$350,000 in each of the fiscal years 1991, 1992, 1993, and 1994, in addition to any amounts made available under section 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966. Any amounts expended under the preceding sentence shall be used solely to provide grants on an annual basis to private nonprofit organizations for the conduct of projects under this subsection.

Grants.

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

"(6) At least 1 project under this subsection shall commence operations not later than September 30, 1990, and all such projects shall cease to operate not later than September 30, 1994."

SEC. 108. REDUCTION OF PAPERWORK.

Section 19 of the National School Lunch Act (42 U.S.C. 1769a) is amended to read as follows:

"SEC. 19. REDUCTION OF PAPERWORK.

"(a) IN GENERAL.—In carrying out functions under this Act and the Child Nutrition Act of 1966, the Secretary shall, to the maximum extent possible, reduce the paperwork required of State and local educational agencies, schools, and other agencies participating in nutrition programs assisted under such Acts in connection with such participation.

State and local governments.

"(b) CONSULTATION; PUBLIC COMMENT.—In carrying out the requirements of subsection (a), the Secretary shall—

"(1) consult with State and local administrators of programs assisted under this Act or the Child Nutrition Act of 1966;

"(2) convene at least 1 meeting of the administrators described in paragraph (1) not later than the expiration of the 10-month period beginning on the date of the enactment of the Child Nutrition and WIC Reauthorization Act of 1989; and

"(3) obtain suggestions from members of the public with respect to reduction of paperwork.

"(c) REPORT.—Before the expiration of the 1-year period beginning on the date of the enactment of the Child Nutrition and WIC Reauthorization Act of 1989, the Secretary shall report to the Congress concerning the extent to which a reduction has occurred in the amount of paperwork described in subsection (a). Such report shall be developed in consultation with the administrators described in subsection (b)(1)."

SEC. 109. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

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

42 USC 1769b-1.

"SEC. 21. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.**"(a) GENERAL AUTHORITY.—The Secretary—**

"(1) from amounts appropriated pursuant to subsection (e)(1), shall conduct training activities and provide technical assistance to improve the skills of individuals employed in—

"(A) food service programs carried out with assistance under this Act;

"(B) school breakfast programs carried out with assistance under section 4 of the Child Nutrition Act of 1966; and

"(C) as appropriate, other federally assisted feeding programs; and

"(2) from amounts appropriated pursuant to subsection (e)(2), is authorized to establish and maintain a food service management institute.

"(b) MINIMUM REQUIREMENTS.—The activities conducted and assistance provided as required by subsection (a)(1) shall at least include activities and assistance with respect to—

"(1) menu planning;

"(2) implementation of regulations and appropriate guidelines; and

"(3) compliance with program requirements and accountability for program operations.

"(c) DUTIES OF FOOD SERVICE MANAGEMENT INSTITUTE.—

"(1) IN GENERAL.—Any food service management institute established as authorized by subsection (a)(2) shall carry out activities to improve the general operation and quality of—

"(A) food service programs assisted under this Act;

"(B) school breakfast programs assisted under section 4 of the Child Nutrition Act of 1966; and

"(C) as appropriate, other federally assisted feeding programs.

"(2) REQUIRED ACTIVITIES.—Activities carried out under paragraph (1) shall include—

"(A) conducting research necessary to assist schools and other organizations that participate in such programs in providing high quality, nutritious, cost-effective meal service to the children served;

"(B) providing training and technical assistance with respect to—

"(i) efficient use of physical resources;

"(ii) financial management;

"(iii) efficient use of computers;

"(iv) procurement;

"(v) sanitation;

"(vi) safety;

"(vii) food handling;

"(viii) meal planning and related nutrition activities;

and

"(ix) other appropriate activities;

"(C) establishing a national network of trained professionals to present training programs and workshops for food service personnel;

"(D) developing training materials for use in the programs and workshops described in subparagraph (C); and

“(E) acting as a clearinghouse for research, studies, and findings concerning all aspects of the operation of food service programs, including activities carried out with assistance provided under section 19 of the Child Nutrition Act of 1966.

“(d) COORDINATION.—The Secretary shall coordinate activities carried out and assistance provided as required by subsection (b) with activities carried out by any food service management institute established as authorized by subsection (a)(2).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

“(1) \$3,000,000 for the fiscal year 1990, \$2,000,000 for the fiscal year 1991, and \$1,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of carrying out subsection (a)(1); and

“(2) \$1,000,000 for the fiscal year 1990 and \$4,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994 for purposes of carrying out subsection (a)(2).”

SEC. 110. COMPLIANCE AND ACCOUNTABILITY.

42 USC 1769c.

(a) GENERAL AUTHORITY.—The National School Lunch Act (as amended by section 109 of this Act) (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

“SEC. 22. COMPLIANCE AND ACCOUNTABILITY.

“(a) UNIFIED ACCOUNTABILITY SYSTEM.—There shall be a unified system prescribed and administered by the Secretary for ensuring that local food service authorities that participate in the school lunch program under this Act comply with the provisions of this Act. Such system shall be established through the publication of regulations and the provision of an opportunity for public comment, consistent with the provisions of section 553 of title 5, United States Code.

Regulations.

“(b) FUNCTIONS OF SYSTEM.—

State and local governments.

“(1) IN GENERAL.—Under the system described in subsection (a), each State educational agency shall—

“(A) require that local food service authorities comply with the provisions of this Act; and

“(B) ensure such compliance through reasonable audits and supervisory assistance reviews.

“(2) MINIMIZATION OF ADDITIONAL DUTIES.—Each State educational agency shall coordinate the compliance and accountability activities described in paragraph (1) in a manner that minimizes the imposition of additional duties on local food service authorities.

“(c) ROLE OF SECRETARY.—In carrying out this section, the Secretary shall—

“(1) assist the State educational agency in the monitoring of programs conducted by local food service authorities; and

“(2) through management evaluations, review the compliance of the State educational agency and the local school food service authorities with regulations issued under this Act.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out the compliance and accountability activities referred to in subsection (c) \$3,000,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994.”

(b) IMPLEMENTATION.—Not later than July 1, 1990, the Secretary of Agriculture shall issue final regulations to implement section 22

Regulations.
42 USC 1769c
note.

of the National School Lunch Act (as added by subsection (a) of this section).

SEC. 111. INFORMATION ON INCOME ELIGIBILITY.

The National School Lunch Act (as amended by sections 109 and 110 of this Act) (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

42 USC 1769d.

State and local governments.

"SEC. 23. INFORMATION ON INCOME ELIGIBILITY.

"(a) INFORMATION TO BE PROVIDED.—In the case of each program established under this Act and the Child Nutrition Act of 1966, the Secretary shall provide to each appropriate State agency—

"(1) information concerning what types of income are counted in determining the eligibility of children to receive free or reduced price meals under the program in which such State, State agency, local agency, or other entity is participating, particularly with respect to how net self-employment income is determined for family day care providers participating in the child care food program (including the treatment of reimbursements provided under this section); and

"(2) information concerning the consideration of applications for free or reduced price meals from households in which the head of the household is less than 21 years old.

"(b) TIME FOR PROVISION OF INFORMATION.—The Secretary shall provide the information required by subsection (a) before the expiration of the 60-day period beginning on the date of the enactment of the Child Nutrition and WIC Reauthorization Act of 1989 and shall as necessary provide revisions of such information.

"(c) FORM SIMPLIFICATION.—Not later than July 1, 1990, the Secretary shall—

"(1) review the model application forms for programs under this Act and programs under the Child Nutrition Act of 1966; and

"(2) simplify the format and instructions for such forms so that the forms are easily understandable by the individuals who must complete them."

SEC. 112. NUTRITION GUIDANCE FOR CHILD NUTRITION PROGRAMS.

The National School Lunch Act (as amended by sections 109, 110, and 111 of this Act) (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

42 USC 1769e.

"SEC. 24. NUTRITION GUIDANCE FOR CHILD NUTRITION PROGRAMS.

"(a) NUTRITION GUIDANCE PUBLICATION.—

"(1) DEVELOPMENT.—The Secretary of Agriculture and the Secretary of Health and Human Services shall jointly develop and approve a publication to be entitled 'Nutrition Guidance for Child Nutrition Programs' (hereafter in this section referred to as the 'publication'). The Secretary shall develop the publication as required by the preceding sentence before the expiration of the 2-year period beginning on the date of the enactment of the Child Nutrition and WIC Reauthorization Act of 1989.

"(2) TIME FOR DISTRIBUTION.—Before the expiration of the 6-month period beginning on the date that the development of the publication is completed, the Secretary shall distribute the publication to school food service authorities and institutions and organizations participating in covered programs.

“(b) **REVISION OF MENU PLANNING GUIDES.**—The Secretary shall, as necessary, revise the menu planning guides for each covered program to include recommendations for the implementation of nutrition guidance described in the publication.

“(c) **APPLICATION OF NUTRITION GUIDANCE TO MEAL PROGRAMS.**—In carrying out any covered program, school food authorities and other organizations and institutions participating in such program shall apply the nutrition guidance described in the publication when preparing meals and meal supplements served under such program.

“(d) **IMPLEMENTATION.**—In carrying out covered programs, the Secretary shall ensure that meals and meal supplements served under such programs are consistent with the nutrition guidance described in the publication.

“(e) **REVISION OF PUBLICATION.**—The Secretary and the Secretary of Health and Human Services may jointly update and approve the publication as warranted by scientific evidence.

“(f) **COVERED PROGRAMS.**—For the purposes of this section, the term ‘covered program’ includes—

- “(1) the school lunch program under this Act;
- “(2) the summer food service program for children under section 13;
- “(3) the child care food program under section 17; and
- “(4) the school breakfast program under section 4 of the Child Nutrition Act of 1966.”

PART B—PROGRAMS UNDER THE CHILD NUTRITION ACT OF 1966

SEC. 121. EXPANSION OF SCHOOL BREAKFAST PROGRAM.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1733) is amended—

(1) in the first sentence of subsection (a), by inserting before the period the following: “and to carry out the provisions of subsection (g)”;

(2) in subsection (f)—

(A) by inserting before the subsection the following new heading:

“EXPANSION OF PROGRAM”;

(B) by inserting “(1)” after “(f)”;

(C) by striking the last sentence; and

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

“(2)(A) Each State educational agency shall—

“(i) provide information to school boards and public officials concerning the benefits and availability of the school breakfast program; and

“(ii) select each year, for additional informational efforts concerning the program, schools in the State—

“(I) in which a substantial portion of school enrollment consists of children from low-income families; and

“(II) that do not participate in the school breakfast program.

“(B) Not later than October 1, 1993, the Secretary shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of

42 USC 1773.

State and local governments.

Disadvantaged persons.

Reports.

the Senate concerning the efforts of the Secretary and the States to increase the participation of schools in the program.”; and

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

“STARTUP COSTS

State and local
governments.

“(g)(1) The Secretary shall make payments, totalling not less than \$3,000,000 in the fiscal year 1990 and \$5,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994, on a competitive basis to State educational agencies in a substantial number of States for distribution to eligible schools to assist such schools with nonrecurring expenses incurred in initiating a school breakfast program under this section. Payments received under this subsection shall be in addition to payments to which State agencies are entitled under subsection (b).

“(2)(A) In making payments under this subsection in any fiscal year, the Secretary shall provide a preference to State educational agencies that—

“(i) submit to the Secretary a plan to expand school breakfast programs conducted in the State, including a description of—

“(I) the manner in which the agency will provide technical assistance and funding to schools in the State to expand such programs;

“(II) a State law that requires the expansion of such programs during such year; or

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

“(ii) either—

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

“(II) serve a low percentage of free and reduced price breakfasts under the school breakfast program when the number of such breakfasts is measured as a percentage of the number of free and reduced price lunches served in such State under the school lunch program carried out under the National School Lunch Act.

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

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

“(3) Each State agency, in allocating funds within the State, shall give preference for assistance under this subsection to eligible schools that demonstrate the greatest need for a breakfast program.

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

“(5) As used in this subsection, the term ‘eligible school’ means a school—

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

“(B) that agrees to operate the breakfast program established with such assistance for a period of not less than 3 years.

“(6) Not later than December 31, 1993, the Secretary shall submit a report to the Committee on Education and Labor of the House of

Reports.

Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the efforts of the Secretary and the States to increase the participation of schools in the program.”

SEC. 122. STATE ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting after the first sentence the following new sentence: “If an agency in the State other than the State educational agency administers such program, the State shall ensure that an amount equal to no less than the funds due the State under this paragraph is provided to such agency for costs incurred by such agency in administering the program, except as provided in paragraph (5).”;

(B) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(C) by inserting after paragraph (4) the following new paragraph:

“(5)(A) Not more than 25 percent of the amounts made available to each State under this section for the fiscal year 1991 and 20 percent of the amounts made available to each State under this section for the fiscal year 1992 and for each succeeding fiscal year may remain available for obligation or expenditure in the fiscal year succeeding the fiscal year for which such amounts were appropriated.

“(B)(i) In the fiscal year 1991 and each succeeding fiscal year, any amounts appropriated that are not obligated or expended during such fiscal year and are not carried over for the succeeding fiscal year under subparagraph (A) shall be returned to the Secretary. From any amounts returned to the Secretary under the preceding sentence, the Secretary shall—

“(I) first allocate, for the purpose of providing grants on an annual basis to private nonprofit organizations participating in projects under section 18(f) of the National School Lunch Act, not less than \$3,000,000 in the fiscal year 1992 and not less than \$4,000,000 in each of the fiscal years 1993 and 1994; and

“(II) then allocate, for purposes of administrative costs, any remaining amounts among States that demonstrate a need for such amounts.

“(ii) In any fiscal year in which amounts returned to the Secretary under the first sentence of clause (i) are insufficient to provide the complete allocation described in clause (i)(I), all of such amounts shall be allocated for the purpose described in clause (i)(I).”; and

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

“(8) In the fiscal year 1991 and each succeeding fiscal year, in accordance with regulations issued by the Secretary, each State shall ensure that the State agency administering the distribution of commodities under programs authorized under this Act and under the National School Lunch Act is provided, from funds made available to the State under this subsection, an appropriate amount of funds for administrative costs incurred in distributing such commodities. In developing such regulations, the Secretary may consider the value of commodities provided to the State under this Act and under the National School Lunch Act.”;

(2) in subsection (g), by inserting before the period at the end the following: “, and that agree to participate fully in any studies authorized by the Secretary”; and

(3) in subsection (h), by striking “For” and all that follows through “1989,” and inserting “For the fiscal year beginning October 1, 1977, and each succeeding fiscal year ending before October 1, 1994.”

Effective date.
42 USC 1776
note.

State and local
governments.

(b) **IMPLEMENTATION.**—The amendment made by subsection (a)(1)(A) shall be effective as of October 1, 1989.

SEC. 123. ADDITIONAL ACTIVITIES AND REQUIREMENTS WITH RESPECT TO SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) **IN GENERAL.**—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(17) ‘Competitive bidding’ means a procurement process under which the State agency selects the single source offering the lowest price, as determined by the submission of sealed bids, for the product for which bids are sought.”;

(2) in subsection (d), by amending paragraph (2) to read as follows:

“(2)(A) The Secretary shall establish income eligibility standards to be used in conjunction with the nutritional risk criteria in determining eligibility of individuals for participation in the program. Any individual at nutritional risk shall be eligible for the program under this section only if such individual—

“(i) is a member of a family with an income that is less than the maximum income limit prescribed under section 9(b) of the National School Lunch Act for free and reduced price meals;

“(ii)(I) receives food stamps under the Food Stamp Act of 1977; or

“(II) is a member of a family that receives assistance under the program for aid to families with dependent children established under part A of title IV of the Social Security Act; or

“(iii)(I) receives medical assistance under title XIX of the Social Security Act; or

“(II) is a member of a family in which a pregnant woman or an infant receives such assistance.

“(B) For the purpose of determining income eligibility under this section, any State agency may choose to exclude from income any basic allowance for quarters received by military service personnel residing off military installations.”;

(3) in subsection (e)—

(A) by striking the last 3 sentences of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph:

Education.

“(2) The Secretary shall prescribe standards to ensure that adequate nutrition education services and breastfeeding promotion and support are provided. The State agency shall provide training to persons providing nutrition education under this section. Nutrition education and breastfeeding promotion and support shall be evaluated annually by each State agency, and such evaluation shall include the views of participants concerning the effectiveness of the

nutrition education and breastfeeding promotion and support they have received.”; and

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

“(3) The State agency shall—

“(A) ensure that written information concerning food stamps, the program for aid to families with dependent children under part A of title IV of the Social Security Act, and the child support enforcement program under part D of title IV of the Social Security Act is provided on at least 1 occasion to each adult participant in and each applicant for the program;

Food stamps.

“(B) provide each local agency with materials showing the maximum income limits, according to family size, applicable to pregnant women, infants, and children up to age 5 under the medical assistance program established under title XIX of the Social Security Act (in this section referred to as the ‘medicaid program’); and

“(C) provide to individuals applying for the program under this section, or reapplying at the end of their certification period, written information about the medicaid program and referral to such program or to agencies authorized to determine presumptive eligibility for such program, if such individuals are not participating in such program and appear to have family income below the applicable maximum income limits for such program.

Medicaid.

“(4) The State agency shall ensure that each local agency shall maintain and make available for distribution a list of local resources for substance abuse counseling and treatment.”;

Public
information.
Records.
Drugs and drug
abuse.

(4) in subsection (f)—

(A) in subparagraph (C) of paragraph (1)—

(i) in clause (iii)—

(I) by inserting “local programs for breastfeeding promotion,” after “immunization programs,”; and

(II) by inserting “and treatment” after “alcohol and drug abuse counseling”;

(ii) by amending clause (vii) to read as follows:

“(vii) a plan to provide program benefits under this section to eligible individuals most in need of the benefits and to provide eligible individuals not participating in the program with information on the program, the eligibility criteria for the program, and how to apply for the program, with emphasis on reaching and enrolling eligible women in the early months of pregnancy, including provisions to reach and enroll eligible migrants”;

(iii) by redesignating clauses (viii) and (ix) as clauses (xii) and (xiii), respectively; and

(iv) by inserting after clause (vii) the following new clauses:

“(viii) a plan to provide program benefits under this section to unserved infants and children under the care of foster parents, protective services, or child welfare authorities, including infants exposed to drugs perinatally;

“(ix) if the State agency chooses to provide program benefits under this section to some or all eligible individuals who are incarcerated in prisons or juvenile detention facilities that do not receive Federal assistance under any program specifically established to assist pregnant women regarding their nutrition and health needs, a plan for the provision of such benefits to,

and to meet the special nutrition education needs of, such individuals, which may include—

“(I) providing supplemental foods to such individuals that are different from those provided to other participants in the program under this section;

“(II) providing such foods to such individuals in a different manner than to other participants in the program under this section in order to meet the special needs of such individuals; and

“(III) the development of nutrition education materials appropriate for the special needs of such individuals;

Rural areas.

“(x) a plan to improve access to the program for participants and prospective applicants who are employed, or who reside in rural areas, by addressing their special needs through the adoption or revision of procedures and practices to minimize the time participants and applicants must spend away from work and the distances that participants and applicants must travel, including appointment scheduling, adjustment of clinic hours, clinic locations, or mailing of multiple vouchers;

Education.

“(xi) a plan to provide nutrition education and promote breastfeeding;”;

(B) by adding at the end of paragraph (8) the following new subparagraph:

Health care facilities.

“(D) Each local agency operating the program within a hospital and each local agency operating the program that has a cooperative arrangement with a hospital shall—

“(i) advise potentially eligible individuals that receive inpatient or outpatient prenatal, maternity, or postpartum services, or accompany a child under the age of 5 who receives well-child services, of the availability of program benefits; and

“(ii) to the extent feasible, provide an opportunity for individuals who may be eligible to be certified within the hospital for participation in such program.”;

(C) in paragraph (9)—

(i) by inserting “(A)” after “(9)”; and

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

“(B) Any State agency that must suspend or terminate benefits to any participant during the participant’s certification period due to a shortage of funds for the program shall first issue a notice to such participant. Such notice shall include, in addition to other information required by the Secretary, the categories of participants whose benefits are being suspended or terminated due to such shortage.”;

(D) in subparagraph (A) of paragraph (14), by inserting “, breastfeeding promotion,” after “nutrition education”;

(E) in paragraph (17), by inserting before the period the following: “and to accommodate the special needs and problems of individuals who are incarcerated in prisons or juvenile detention facilities”;

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

“(18)(A) Except as provided in subparagraph (B), a State agency may implement income eligibility guidelines under this section at the time the State implements income eligibility guidelines under the medicaid program.

“(B) Income eligibility guidelines under this section shall be implemented not later than July 1 of each year.

"(19) Each local agency participating in the program under this section shall provide information about other potential sources of food assistance in the local area to individuals who apply in person to participate in the program under this section, but who cannot be served because the program is operating at capacity in the local area.

"(20) The State agency shall adopt policies that—

"(A) require each local agency to attempt to contact each pregnant woman who misses an appointment to apply for participation in the program under this section, in order to reschedule the appointment, unless the phone number and the address of the woman are unavailable to such local agency; and

"(B) in the case of local agencies that do not routinely schedule appointments for individuals seeking to apply or be recertified for participation in the program under this section, require each such local agency to schedule appointments for each employed individual seeking to apply or be recertified for participation in such program so as to minimize the time each such individual is absent from the workplace due to such application or request for recertification.";

(5) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

"(1) There are authorized to be appropriated to carry out this section \$2,158,000,000 for the fiscal year 1990, and such sums as may be necessary for each of the fiscal years 1991, 1992, 1993, and 1994. As authorized by section 3 of the National School Lunch Act, appropriations to carry out the provisions of this section may be made not more than 1 year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States, and shall remain available for the purposes for which appropriated until expended.";

Appropriation
authorization.

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

(C) by inserting after paragraph (1) the following new paragraphs:

"(2)(A) Notwithstanding any other provision of law, unless enacted in express limitation of this subparagraph, the Secretary—

"(i) in the case of legislation providing funds through the end of a fiscal year, shall issue—

"(I) an initial allocation of funds provided by the enactment of such legislation not later than the expiration of the 15-day period beginning on the date of the enactment of such legislation; and

"(II) subsequent allocations of funds provided by the enactment of such legislation not later than the beginning of each of the second, third, and fourth quarters of the fiscal year; and

"(ii) in the case of legislation providing funds for a period that ends prior to the end of a fiscal year, shall issue an initial allocation of funds provided by the enactment of such legislation not later than the expiration of the 10-day period beginning on the date of the enactment of such legislation.

"(B) In any fiscal year—

"(i) unused amounts from a prior fiscal year that are identified by the end of the first quarter of the fiscal year shall be recovered and reallocated not later than the beginning of the second quarter of the fiscal year; and

“(ii) unused amounts from a prior fiscal year that are identified after the end of the first quarter of the fiscal year shall be recovered and reallocated on a timely basis.

“(3) Notwithstanding any other provision of law, unless enacted in express limitation of this paragraph—

“(A) the allocation of funds required by paragraph (2)(A)(i)(I) shall include not less than $\frac{1}{3}$ of the amounts appropriated by the legislation described in such paragraph;

“(B) the allocations of funds required by paragraph (2)(A)(i)(II) to be made not later than the beginning of the second and third quarters of the fiscal year shall each include not less than $\frac{1}{4}$ of the amounts appropriated by the legislation described in such paragraph; and

“(C) in the case of the enactment of legislation providing appropriations for a period of not more than 4 months, the allocation of funds required by paragraph (2)(A)(ii) shall include all amounts appropriated by such legislation except amounts reserved by the Secretary for purposes of carrying out paragraph (5).”;

(D) in paragraph (5) (as redesignated by subparagraph (B) of this paragraph), by striking “\$3,000,000” and inserting “\$5,000,000”; and

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

“(6) Upon the completion of the 1990 decennial census, the Secretary, in coordination with the Secretary of Commerce, shall make available an estimate, by State and county (or equivalent political subdivision) of the number of women, infants, and children who are members of families that have incomes below the maximum income limit for participation in the program under this section.”;

(6) by amending subsection (h) to read as follows:

“(h)(1)(A) Each fiscal year, the Secretary shall make available, from amounts appropriated for such fiscal year under subsection (g)(1) and amounts remaining from amounts appropriated under such subsection for the preceding fiscal year, an amount sufficient to guarantee a national average per participant grant to be allocated among State agencies for costs incurred by State and local agencies for nutrition services and administration for such year.

“(B)(i) The amount of the national average per participant grant for nutrition services and administration for any fiscal year shall be an amount equal to the amount of the national average per participant grant for nutrition services and administration issued for the fiscal year 1987, as adjusted.

“(ii) Such adjustment, for any fiscal year, shall be made by revising the national average per participant grant for nutrition services and administration for the fiscal year 1987 to reflect the percentage change between—

“(I) the value of the index for State and local government purchases, using the implicit price deflator, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30, 1986; and

“(II) the best estimate that is available as of the start of the fiscal year of the value of such index for the 12-month period ending June 30 of the previous fiscal year.

“(C) In any fiscal year, amounts remaining from amounts appropriated for such fiscal year under subsection (g)(1) and from amounts appropriated under such section for the preceding fiscal year, after carrying out subparagraph (A), shall be made available for food

Grants.

benefits under this section, except to the extent that such amounts are needed to carry out the purposes of subsections (g)(4) and (g)(5).

"(2)(A) For each of the fiscal years 1990, 1991, 1992, 1993 and 1994, the Secretary shall allocate to each State agency from the amount described in paragraph (1)(A) an amount for costs of nutrition services and administration on the basis of a formula prescribed by the Secretary. Such formula shall—

"(i) be designed to take into account—

"(I) the varying needs of each State;

"(II) the number of individuals participating in each State; and

"(III) other factors which serve to promote the proper, efficient, and effective administration of the program under this section;

"(ii) provide for each State agency—

"(I) an estimate of the number of participants for the fiscal year involved; and

"(II) a per participant grant for nutrition services and administration for such year; and

"(iii) provide for a minimum grant amount for State agencies.

"(B)(i) Except as provided in clause (ii) and subparagraph (C), in any fiscal year, the total amount allocated to a State agency for costs of nutrition services and administration under the formula prescribed by the Secretary under subparagraph (A) shall constitute the State agency's operational level for such costs for such year even if the number of participants in the program at such agency is lower than the estimate provided under subparagraph (A)(ii)(I).

"(ii) If a State agency's per participant expenditure for nutrition services and administration is more than 15 percent higher than its per participant grant for nutrition services and administration without good cause, the Secretary may reduce such State agency's operational level for costs of nutrition services and administration.

"(C) In any fiscal year, the Secretary may reallocate amounts provided to State agencies under subparagraph (A) for such fiscal year. When reallocating amounts under the preceding sentence, the Secretary may provide additional amounts to, or recover amounts from, any State agency.

"(3)(A) Except as provided in subparagraphs (B) and (C), in each fiscal year, each State agency shall expend—

"(i) for nutrition education activities and breastfeeding promotion and support activities, an aggregate amount that is not less than the sum of—

"(I) $\frac{1}{2}$ of the amounts expended by the State for costs of nutrition services and administration; and

"(II) an amount equal to a proportionate share of \$8,000,000, with each State's share determined on the basis of the number of pregnant women and breastfeeding women in the program in the State as a percentage of the number of pregnant women and breastfeeding women in the program in all States; and

"(ii) for breastfeeding promotion and support activities an amount that is not less than the amount determined for such State under clause (i)(II).

"(B) The Secretary may authorize a State agency to expend an amount less than the amount described in subparagraph (A)(ii) for purposes of breastfeeding promotion and support activities if—

"(i) the State agency so requests; and

“(ii) the request is accompanied by documentation that other funds will be used to conduct nutrition education activities at a level commensurate with the level at which such activities would be conducted if the amount described in subparagraph (A)(ii) were expended for such activities.

“(C) The Secretary may authorize a State agency to expend for purposes of nutrition education an amount that is less than the difference between the aggregate amount described in subparagraph (A) and the amount expended by the State for breastfeeding promotion and support programs if—

“(i) the State agency so requests; and

“(ii) the request is accompanied by documentation that other funds will be used to conduct such activities.

“(D) The Secretary shall limit to a minimal level any documentation required under this paragraph.

“(4) The Secretary shall—

“(A) in consultation with the Secretary of Health and Human Services, develop a definition of breastfeeding for the purposes of the program under this section;

“(B) authorize the purchase of breastfeeding aids by State and local agencies as an allowable expense under nutrition services and administration;

“(C) require each State agency to designate an agency staff member to coordinate breastfeeding promotion efforts identified in the State plan of operation and administration; and

“(D) require the State agency to provide training on the promotion and management of breastfeeding to staff members of local agencies who are responsible for counseling participants in the program under this section concerning breastfeeding.

“(5)(A) Subject to subparagraph (B), in any fiscal year that a State agency achieves, through use of acceptable measures, participation that exceeds the participation level estimated for such State agency under paragraph (2)(A)(ii)(I), such State agency may convert amounts allocated for food benefits for such fiscal year for costs of nutrition services and administration to the extent that such conversion is necessary—

“(i) to cover allowable expenditures in such fiscal year; and

“(ii) to ensure that the State agency maintains the level established for the per participant grant for nutrition services and administration for such fiscal year.

“(B) If a State agency increases its participation level through measures that are not in the nutritional interests of participants or not otherwise allowable (such as reducing the quantities of foods provided for reasons not related to nutritional need), the Secretary may refuse to allow the State agency to convert amounts allocated for food benefits to defray costs of nutrition services and administration.

“(C) For the purposes of this paragraph, the term ‘acceptable measures’ includes use of cost containment measures, curtailment of vendor abuse, and breastfeeding promotion activities.

“(6) In each fiscal year, each State agency shall provide, from the amounts allocated to such agency for such year for costs of nutrition services and administration, an amount to each local agency for its costs of nutrition services and administration. The amount to be provided to each local agency under the preceding sentence shall be determined under allocation standards developed by the State agency in cooperation with the several local agencies, taking into

account factors deemed appropriate to further proper, efficient, and effective administration of the program, such as—

“(A) local agency staffing needs;

“(B) density of population;

“(C) number of individuals served; and

“(D) availability of administrative support from other sources.

“(7) The State agency may provide in advance to any local agency any amounts for nutrition services and administration deemed necessary for successful commencement or significant expansion of program operations during a reasonable period following approval of—

“(A) a new local agency;

“(B) a new cost containment measure; or

“(C) a significant change in an existing cost containment measure.

“(8)(A) No State may receive its allocation under this subsection unless on or before August 30, 1989 (or a subsequent date established by the Secretary for any State) such State has—

“(i) examined the feasibility of implementing cost containment measures with respect to procurement of infant formula, and, where practicable, other foods necessary to carry out the program under this section; and

“(ii) initiated action to implement such measures unless the State demonstrates, to the satisfaction of the Secretary, that such measures would not lower costs or would interfere with the delivery of formula or foods to participants in the program.

“(B)(i) Except as provided in subparagraphs (C), (D), and (E)(iii), in carrying out subparagraph (A), any State that provides for the purchase of foods under the program at retail grocery stores shall, with respect to the procurement of infant formula, use—

“(I) a competitive bidding system; or

“(II) any other cost containment measure that yields savings equal to or greater than savings generated by a competitive bidding system when such savings are determined by comparing the amounts of savings that would be provided over the full term of contracts offered in response to a single invitation to submit both competitive bids and bids for other cost containment systems for the sale of infant formula.

“(ii) In determining whether a cost containment measure other than competitive bidding yields equal or greater savings, the State, in accordance with regulations issued by the Secretary, may take into account other cost factors (in addition to rebate levels and procedures for adjusting rebate levels when wholesale price levels rise), such as—

“(I) the number of infants who would not be expected to receive the contract brand of infant formula under a competitive bidding system;

“(II) the number of cans of infant formula for which no rebate would be provided under another rebate system; and

“(III) differences in administrative costs relating to the implementation of the various cost containment systems (such as costs of converting a computer system for the purpose of operating a cost containment system and costs of preparing participants for conversion to a new or alternate cost containment system).

“(C) In the case of any State that has a contract in effect on the date of the enactment of the Child Nutrition and WIC Reauthoriza-

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tion Act of 1989, subparagraph (B) shall not apply to the program operated by such State under this section until the term of such contract, as such term is specified by the contract as in effect on such date, expires. In the case of any State that has more than 1 such contract in effect on the date of the enactment of such Act, subparagraph (B) shall not apply until the term of the contract with the latest expiration date, as such term is specified by such contract as in effect on the date of the enactment of such Act, expires.

"(D)(i) The Secretary shall waive the requirement of subparagraph (B) in the case of any State that demonstrates to the Secretary that—

"(I) compliance with subparagraph (B) would be inconsistent with efficient or effective operation of the program operated by such State under this section; or

"(II) the amount by which the savings yielded by an alternative cost containment system would be less than the savings yielded by a competitive bidding system is sufficiently minimal that the difference is not significant.

"(ii) The Secretary shall prescribe criteria under which a waiver may be granted pursuant to clause (i).

"(iii) The Secretary shall provide information at 6-month intervals to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on waivers that have been granted under clause (i).

Indians.

"(E)(i) The Secretary shall provide technical assistance to small Indian State agencies carrying out this paragraph in order to assist such agencies to achieve the maximum cost containment savings feasible.

"(ii) The Secretary shall also provide technical assistance, on request, to State agencies that do not have large caseloads and that desire to consider a cost containment system that covers more than 1 State agency.

"(iii) The Secretary may waive the requirement of subparagraph (B) in the case of any Indian State agency that has not more than 1,000 participants.

"(F) No State may enter into a cost containment contract (in this subparagraph referred to as the "original contract") that prescribes conditions that would void, reduce the savings under, or otherwise limit the original contract if the State solicited or secured bids for, or entered into, a subsequent cost containment contract to take effect after the expiration of the original contract.

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"(G) Not later than the expiration of the 120-day period beginning on the date of the enactment of the Child Nutrition and WIC Reauthorization Act of 1989, the Secretary shall prescribe regulations to carry out this paragraph. Such regulations shall address issues involved in comparing savings from different cost containment measures, as provided under subparagraph (B).

"(9) For purposes of this subsection, the term 'cost containment measure' means a competitive bidding, rebate, direct distribution, or home delivery system implemented by a State agency as described in its approved plan of operation and administration.";

(7) in subsection (i)—

(A) in paragraph (1), by striking "funds provided in accordance with this section" and inserting "amounts made available for food benefits under subsection (h)(1)(C)";

(B) in subparagraph (D) of paragraph (3)—

(i) by striking "approved cost-savings strategies as identified in subsection (h)(5)(A)" and inserting "cost containment measures as defined in subsection (h)(9)"; and

(ii) by striking "at the discretion of the Secretary, up to 5 percent" and inserting "not more than 3 percent"; and

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

"(7) In addition to any amounts expended under paragraph (3)(A)(i), any State agency using cost containment measures as defined in subsection (h)(9) may temporarily use amounts made available to such agency for the first quarter of a fiscal year to defray expenses for costs incurred during the final quarter of the preceding fiscal year. In any fiscal year, any State agency that uses amounts made available for a succeeding fiscal year under the authority of the preceding sentence shall restore or reimburse such amounts when such agency receives payment as a result of its cost containment measures for such expenses.";

(8) in subsection (j), by striking "each year" and inserting "every other year";

(9) in subsection (k)(1)—

(A) in the first sentence, by striking "twenty-three" and inserting "24"; and

(B) in the second sentence, by inserting after "the Secretary;" the following: "1 member shall be an expert in the promotion of breast feeding;"; and

(10) by adding at the end the following new subsections:

"(o)(1) Subject to the availability of funds appropriated for the purpose of carrying out this subsection, the Secretary is authorized to establish a demonstration program for the establishment of clinics for participants in the program under this section at community colleges that offer nursing education programs. In determining the location of clinics under this subsection, the Secretary shall consider—

"(A) the location of the community college under consideration;

"(B) its accessibility to individuals eligible to participate in the special supplemental food program under this section; and

"(C) its willingness to operate the clinic during nontraditional hours.

"(2) The Secretary shall, from funds appropriated for the purpose of carrying out this subsection—

"(A) evaluate any demonstration program carried out under paragraph (1); and

"(B) submit to the Congress a report containing the results of such evaluation.

"(3) There is authorized to be appropriated for purposes of carrying out this subsection \$1,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 and 1992.

"(p)(1) The Secretary is authorized to make grants to State agencies for the purpose of improving and updating information and data systems used for purposes of carrying out programs under this section.

"(2) Any State that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, and containing or accompanied by such information, as the Secretary

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may reasonably require. Grants shall be awarded based on the need demonstrated by States in their applications.

"(3) There is authorized to be appropriated for purposes of carrying out this subsection \$2,000,000 for the fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991, 1992, 1993, and 1994."

(b) REVIEW OF PRIORITY SYSTEM.—

(1) **IN GENERAL.**—During the fiscal years 1990 and 1991, the Secretary of Agriculture shall conduct a review of the relationship between the nutritional risk criteria established under section 17 of the Child Nutrition Act of 1966 and the priority system used under the special supplemental food program for women, infants, and children carried out under such section (hereafter in this section referred to as the "program"), especially as it affects pregnant women. In conducting such review, the Secretary of Agriculture shall—

(A) consult with the directors of State and local agencies that operate the program and with other individuals with expertise in the field of nutrition;

(B) take into consideration the preventive nature of the program; and

(C) examine the risks to individuals eligible for participation in the program, particularly pregnant women, from conditions such as homelessness, mental illness, and conditions that pose barriers to receipt of prenatal care, that may be associated with an increased probability of adverse pregnancy outcome or other adverse effects on health.

(2) **REPORTS TO CONGRESS.**—The Secretary of Agriculture shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the review conducted as required by paragraph (1). Under the preceding sentence, the Secretary of Agriculture shall submit to such committees—

(A) a preliminary report not later than October 1, 1990; and

(B) a final report not later than July 1, 1991.

(c) REPORT ON WIC FOOD PACKAGE.—

(1) **IN GENERAL.**—The Secretary of Agriculture shall review the appropriateness of foods eligible for purchase under the special supplemental food program for women, infants, and children carried out under section 17 of the Child Nutrition Act of 1966.

(2) **FACTORS.**—In conducting such review, the Secretary of Agriculture shall take into consideration such factors as—

(A) how effectively protein, calcium, and iron are provided to participants;

(B) nutrient density of foods; and

(C) the extent to which nutrients, for which program participants are most vulnerable to deficiencies, such as iron, thiamine, riboflavin, vitamin A, and zinc, are effectively provided to participants.

(3) **REPORTS.**—The Secretary of Agriculture shall provide to the Congress—

(A) a preliminary report on such review no later than June 30, 1991; and

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note.

(B) a final report on such review no later than June 30, 1992.

(d) **REPORT ON COSTS FOR NUTRITION SERVICES AND ADMINISTRATION.**—

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(1) **IN GENERAL.**—The Secretary of Agriculture shall review the effect on costs for nutrition services and administration incurred by State and local agencies of this section, section 213, and the amendments made by such sections (including the effect of both increases and decreases in requirements imposed on such agencies).

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall submit to the appropriate committees of the Congress a report on the results of the review conducted under this subsection.

(e) **PAPERWORK REDUCTION.**—In implementing and monitoring compliance with the provisions of the amendments made by this section (other than the amendment made by subsection (a)(2) to section 17(d)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)), the Secretary of Agriculture shall not impose any new requirement on a State or local agency that would require the State or local agency to place additional paperwork or documentation in a case file maintained by a local agency.

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note.

(f) **IMPLEMENTATION.**—

(1) **BREASTFEEDING PROMOTION; NUTRITION EDUCATION; OUTREACH.**—Not later than July 1, 1990, the Secretary of Agriculture shall issue final regulations to implement the amendments made by subsections (a)(2), (a)(3), and (a)(4).

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(2) **EXTENSION OF AUTHORIZATION; ALLOCATIONS.**—The amendments made by subsections (a)(5), (a)(6), and (a)(7) shall be effective as of October 1, 1989.

Effective date.

SEC. 124. NUTRITION EDUCATION AND TRAINING.

Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (B) to read as follows: “(B) training school food service personnel in the principles and practices of food service management, in cooperation with materials developed at any food service management institute established as authorized by section 21(a)(2) of the National School Lunch Act, and”; and

(ii) in subparagraph (C), by striking “schools and child care institutions” and inserting “schools, child care institutions, and institutions offering summer food service programs under section 13 of the National School Lunch Act”;

(B) in paragraph (2), by striking “the National Advisory Council on Child Nutrition;” and

(C) in the first sentence of paragraph (4), by inserting before the period the following: “, in coordination with the activities authorized under section 21 of the National School Lunch Act”;

(2) in subparagraph (C) of subsection (h)(3), by striking “the National Advisory Council on Child Nutrition,”;

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(3) by amending paragraph (2) of subsection (i) to read as follows:

"(2)(A) There is authorized to be appropriated for grants to each State for the conduct of nutrition education and information programs—

"(i) \$10,000,000 for the fiscal year 1990;

"(ii) \$15,000,000 for the fiscal year 1991;

"(iii) \$20,000,000 for the fiscal year 1992; and

"(iv) \$25,000,000 for each of the fiscal years 1993 and 1994.

"(B)(i)(I) Subject to clause (ii), grants to each State from the amounts appropriated under subparagraph (A) shall be based on a rate of 50 cents for each child enrolled in schools or institutions within such State.

"(II) If the amount appropriated for any fiscal year is insufficient to pay the amount to which each State is entitled under subclause (I), the amount of each grant shall be ratably reduced. If additional funds become available for making such payments, such amounts shall be increased on the same basis as they were reduced.

"(ii) No State shall receive an amount that is less than—

"(I) \$50,000, in any fiscal year in which the amount appropriated for purposes of this section is less than \$10,000,000;

"(II) \$62,500, in any fiscal year in which the amount appropriated for purposes of this section is \$10,000,000 or more but is less than \$15,000,000;

"(III) \$68,750, in any fiscal year in which the amount appropriated for purposes of this section is \$15,000,000 or more but is less than \$20,000,000; and

"(IV) \$75,000 in any fiscal year in which the amount appropriated for purposes of this section is \$20,000,000 or more.";

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

"(j)(1) The Secretary shall assess the nutrition information and education program carried out under this section to determine what nutrition education needs are for children participating under the National School Lunch Act in the school lunch program, the summer food service program, and the child care food program.

"(2) The assessment required by paragraph (1) shall be completed not later than October 1, 1990."

PART C—CROSS-PROGRAM PROVISIONS

SEC. 131. DETERMINATION OF TOTAL COMMODITY ASSISTANCE FOR THE SCHOOL LUNCH AND CHILD CARE FOOD PROGRAMS.

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

(1) by amending paragraph (1) to read as follows:

"(1)(A) The national average value of donated foods, or cash payments in lieu thereof, shall be 11 cents, adjusted on July 1, 1982, and each July 1 thereafter to reflect changes in the Price Index for Food Used in Schools and Institutions. The Index shall be computed using 5 major food components in the Bureau of Labor Statistics' Producer Price Index (cereal and bakery products, meats, poultry and fish, dairy products, processed fruits and vegetables, and fats and oils). Each component shall be weighed using the same relative weight as determined by the Bureau of Labor Statistics.

"(B) The value of food assistance for each meal shall be adjusted each July 1 by the annual percentage change in a 3-month average

value of the Price Index for Foods Used in Schools and Institutions for March, April, and May each year. Such adjustment shall be computed to the nearest $\frac{1}{4}$ cent.

"(C) For each school year, the total commodity assistance or cash in lieu thereof available to a State for the school lunch program shall be calculated by multiplying the number of lunches served in the preceding school year by the rate established by subparagraph (B). After the end of each school year, the Secretary shall reconcile the number of lunches served by schools in each State with the number of lunches served by schools in each State during the preceding school year and increase or reduce subsequent commodity assistance or cash in lieu thereof provided to each State based on such reconciliation.

State and local governments.

"(D) Among those commodities delivered under this section, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates (which may include domestic seafood commodities and their products).

"(E) Notwithstanding any other provision of this section, not less than 75 percent of the assistance provided under this subsection shall be in the form of donated foods for the school lunch program."; and

(2) in paragraph (2), by striking "Each State agency" and inserting "To the maximum extent feasible, each State agency".

(b) CHILD CARE FOOD PROGRAM.—Paragraph (1) of section 17(h) of the National School Lunch Act (42 U.S.C. 1766(h)) is amended to read as follows:

"(1)(A) The Secretary shall donate agricultural commodities produced in the United States for use in institutions participating in the child care food program under this section.

"(B) The value of the commodities donated under subparagraph (A) (or cash in lieu of commodities) to each State for each school year shall be, at a minimum, the amount obtained by multiplying the number of lunches and suppers served in participating institutions in that State during the preceding school year by the rate for commodities or cash in lieu of commodities established under section 6(e) for the school year concerned.

State and local governments.

"(C) After the end of each school year, the Secretary shall—

"(i) reconcile the number of lunches and suppers served in participating institutions in each State during such school year with the number of lunches and suppers served by participating institutions in each State during the preceding school year; and

"(ii) based on such reconciliation, increase or reduce subsequent commodity assistance or cash in lieu of commodities provided to each State.

"(D) Any State receiving assistance under this section for institutions participating in the child care food program may, upon application to the Secretary, receive cash in lieu of some or all of the commodities to which it would otherwise be entitled under this subsection. In determining whether to request cash in lieu of commodities, the State shall base its decision on the preferences of individual participating institutions within the State, unless this proves impracticable due to the small number of institutions preferring donated commodities."

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on July 1, 1989.

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note.

TITLE II—PAPERWORK REDUCTION AMENDMENTS

PART A—REDUCTION OF PAPERWORK UNDER THE NATIONAL SCHOOL LUNCH ACT

Contracts.

SEC. 201. PERMANENCY OF STATE-LOCAL AGREEMENTS FOR CARRYING OUT THE SCHOOL LUNCH PROGRAM.

Section 8 of the National School Lunch Act (42 U.S.C. 1757) is amended by inserting after the first sentence the following new sentences: "The agreements described in the preceding sentence shall be permanent agreements that may be amended as necessary. Nothing in the preceding sentence shall be construed to limit the ability of the State educational agency to suspend or terminate any such agreement in accordance with regulations prescribed by the Secretary."

SEC. 202. INCOME DOCUMENTATION REQUIREMENTS.

(a) ELIMINATION OF DUPLICATE PROVISIONS.—

(1) IN GENERAL.—Section 9(b) of the National School Lunch Act (42 U.S.C. 1758(b)), as similarly amended first by section 323 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-361), later by section 323 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-364), and later by section 4203 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), and as then amended by section 1 of Public Law 100-356, is amended to read as if only the amendment made by section 4203 of the Child Nutrition Amendments of 1986 was enacted.

(2) FREE LUNCH PROGRAM ELIGIBILITY UNDER PUBLIC LAW 100-356.—(A) Section 9(b)(1)(A) of the National School Lunch Act (as amended by paragraph (1) of this subsection) (42 U.S.C. 1758(b)(1)(A)) is amended—

(i) in the second sentence, by striking "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting "The"; and

(ii) by striking the third sentence.

(B) The amendments made by subparagraph (A) shall take effect as if such amendments had been effective on June 28, 1988.

(b) INCOME DOCUMENTATION REQUIREMENTS.—Section 9 of the National School Lunch Act (as amended by subsection (a) of this section) (42 U.S.C. 1758) is amended—

(1) by amending subparagraph (C) of subsection (b)(2) to read as follows:

"(C)(i) Except as provided in clause (ii), each eligibility determination shall be made on the basis of a complete application executed by an adult member of the household. The Secretary, State, or local food authority may verify any data contained in such application. A local school food authority shall undertake such verification of information contained in any such application as the Secretary may by regulation prescribe and, in accordance with such regulations,

Effective date.
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note.

shall make appropriate changes in the eligibility determination with respect to such application on the basis of such verification.

“(ii) Subject to clause (iii), any school food authority may certify any child as eligible for free or reduced price lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of such child’s status as a member of—

“(I) a household that is receiving food stamps under the Food Stamp Act of 1977; or

“(II) a family that is receiving assistance under the program for aid to families with dependent children under part A of title IV of the Social Security Act.

“(iii) School food service authorities shall only use information obtained under clause (ii) for the purpose of determining eligibility for participation in programs under this Act and the Child Nutrition Act of 1966.”;

(2) in subsection (d)—

(A) in paragraph (1), by striking “numbers of all adult” and all that follows and inserting the following: “number of the parent or guardian who is the primary wage earner responsible for the care of the child for whom the application is made, or that of another appropriate adult member of the child’s household, as determined by the Secretary. The Secretary shall require that social security account numbers of all adult members of the household be provided if verification of the data contained in the application is sought under subsection (b)(2)(C).”;

(B) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

“(A) appropriate documentation relating to the income of such household (as prescribed by the Secretary) has been provided to the appropriate local school food authority so that such authority may calculate the total income of such household;”;

(ii) by striking the period at the end of subparagraph

(B) and inserting “; or”; and

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

“(C) documentation has been provided to the appropriate local school food authority showing that the family is receiving assistance under the program for aid to families with dependent children under part A of title IV of the Social Security Act.”.

(c) IMPLEMENTATION.—Not later than July 1, 1990, the Secretary of Agriculture shall issue final regulations to implement the amendments made by subsection (b).

Regulations.
42 USC 1758
note.

SEC. 203. REPORTS TO STATE EDUCATIONAL AGENCIES.

Paragraph (1) of section 11(e) of the National School Lunch Act (42 U.S.C. 1759a(e)) is amended by striking “Each school” and all that follows through “State educational agency” and inserting the following: “The Secretary, when appropriate, may request each school participating in the school lunch program under this Act to report monthly to the State educational agency”.

SEC. 204. 2-YEAR APPLICATIONS UNDER CHILD CARE FOOD PROGRAM.

(a) GENERAL AUTHORITY.—Subsection (d) of section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after "(d)"; and

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

"(2)(A) The Secretary shall develop a policy that allows institutions providing child care that participate in the program under this section, at the option of the State agency, to reapply for assistance under this section at 2-year intervals.

"(B) Each State agency that exercises the option authorized by subparagraph (A) shall confirm on an annual basis that each such institution is in compliance with the licensing or approval provisions of subsection (a)(1)."

Regulations.
42 USC 1766
note.

(b) IMPLEMENTATION.—Not later than July 1, 1990, the Secretary shall issue final regulations to implement the amendments made by subsection (a).

SEC. 205. PILOT PROJECTS FOR ALTERNATIVE COUNTING METHODS.

(a) GENERAL AUTHORITY.—Section 18 of the National School Lunch Act (as amended by section 107(2) of this Act) (42 U.S.C. 1769) is amended by adding at the end the following new subsection:

"(g)(1)(A) The Secretary shall carry out a pilot program for purposes of identifying alternatives to—

"(i) daily counting by category of meals provided by school lunch programs under this Act; and

"(ii) annual applications for eligibility to receive free meals or reduced price meals.

State and local
governments.

"(B) For the purposes of carrying out the pilot program under this paragraph, the Secretary may waive requirements of this Act relating to counting of meals provided by school lunch programs and applications for eligibility.

"(C) For the purposes of carrying out the pilot program under this paragraph, the Secretary shall solicit proposals from State educational agencies and local educational agencies for the alternatives described in subparagraph (A).

"(2)(A) The Secretary shall carry out a pilot program under which a limited number of schools participating in the special assistance program under section 11(a)(1) that have in attendance children at least 80 percent of whom are eligible for free lunches or reduced price lunches shall submit applications for a 3-year period.

"(B) Each school participating in the pilot program under this paragraph shall have the option of determining the number of free meals, reduced price meals, and paid meals provided daily under the school lunch program operated by such school by applying percentages determined under subparagraph (C) to the daily total student meal count.

"(C) The percentages determined under this subparagraph shall be established on the basis of the master roster of students enrolled in the school concerned, which—

"(i) shall include a notation as to the eligibility status of each student with respect to the school lunch program; and

"(ii) shall be updated not later than September 30 of each year.

"(3)(A) The Secretary shall carry out a pilot program under which a limited number of schools participating in the special assistance program under section 11(a)(1) that have universal free school lunch programs shall have the option of determining the number of free meals, reduced price meals, and paid meals provided daily under the

school lunch program operated by such school by applying percentages determined under subparagraph (B) to the daily total student meal count.

“(B) The percentages determined under this subparagraph shall be established on the basis of the master roster of students enrolled in the school concerned, which—

“(i) shall include a notation as to the eligibility status of each student with respect to the school lunch program; and

“(ii) shall be updated not later than September 30 of each year.

“(C) For the purposes of this paragraph, a universal free school lunch program is a program under which the school operating the program elects to serve all children in that school free lunches under the school lunch program during any period of 3 successive years and pays, from sources other than Federal funds, for the costs of serving such lunches which are in excess of the value of assistance received under this Act with respect to the number of lunches served during that period.

“(4) In addition to the pilot projects described in this subsection, the Secretary may conduct other pilot projects to test alternative counting and claiming procedures.

“(5) Each pilot program carried out under this subsection shall be evaluated by the Secretary after it has been in operation for 3 years.”

(b) **IMPLEMENTATION.**—Not later than July 1, 1990, the Secretary of Agriculture shall issue final regulations to implement section 18(g) of the National School Lunch Act (as added by subsection (a) of this section).

Regulations.
42 USC 1769
note.

PART B—REDUCTION OF PAPERWORK UNDER THE CHILD NUTRITION ACT OF 1966

SEC. 211. STATE-LOCAL AGREEMENTS FOR CARRYING OUT THE SPECIAL MILK PROGRAM.

(a) **ELIMINATION OF DUPLICATE PROVISION.**—Section 3(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)), as similarly amended first by section 329 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-365) and later by section 4209 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if only the later amendment was enacted.

(b) **STATE-LOCAL AGREEMENTS.**—Subsection (a) of section 3 of the Child Nutrition Act of 1966 (as amended by subsection (a) of this section) (42 U.S.C. 1772) is amended by adding at the end the following new paragraph:

“(10) The State educational agency shall disburse funds paid to the State during any fiscal year for purposes of carrying out the program under this section in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State. The agreements described in the preceding sentence shall be permanent agreements that may be amended as necessary. Nothing in the preceding sentence shall be construed to limit the ability of the State educational agency to suspend or terminate any such agreement in accordance with regulations prescribed by the Secretary.”

SEC. 212. PERMANENCY OF STATE-LOCAL AGREEMENTS FOR CARRYING OUT THE SCHOOL BREAKFAST PROGRAM.

(a) ELIMINATION OF DUPLICATE PROVISION.—

(1) **IN GENERAL.**—Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)), as similarly amended first by section 330(a) of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-366) and later by section 4210(a) of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), and as then amended by section 210 of the Hunger Prevention Act of 1988 (Public Law 100-435) is amended to read as if only the amendment made by section 4210(a) of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987, was enacted.

(2) **IMPROVEMENT OF SCHOOL BREAKFAST PROGRAM UNDER HUNGER PREVENTION ACT.**—(A) The first sentence of section 4(b)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(3)) is amended by striking “3 cents” and inserting “6 cents”.

(B) The amendments made by subparagraph (A) shall take effect as if such amendments had been effective on July 1, 1989.

(b) **STATE-LOCAL AGREEMENTS.**—Subparagraph (A) of section 4(b)(1) of the Child Nutrition Act of 1966 (as amended by subsection (a) of this section) (42 U.S.C. 1773(b)(1)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II);

(2) by inserting “(i)” after “(A)”; and

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

“(ii) The agreements described in clause (i)(I) shall be permanent agreements that may be amended as necessary. Nothing in the preceding sentence shall be construed to limit the ability of the State educational agency to suspend or terminate any such agreement in accordance with regulations prescribed by the Secretary.”.

SEC. 213. PAPERWORK REDUCTION REQUIREMENTS UNDER THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) **GENERAL AUTHORITY.**—Section 17 of the Child Nutrition Act of 1966 (as amended by section 123 of this Act) (42 U.S.C. 1786) is amended—

(1) by adding at the end of subsection (e) the following new paragraph:

“(5) Each local agency may use a master file to document and monitor the provision of nutrition education services (other than the initial provision of such services) to individuals that are required, under standards prescribed by the Secretary, to be included by the agency in group nutrition education classes.”; and

(2) in subsection (f)—

(A) in paragraph (7)—

(i) by inserting “(A)” after “(7)”; and

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

“(B) State agencies may provide for the delivery of vouchers to any participant who is not scheduled for nutrition education counseling or a recertification interview through means, such as mailing, that do not require the participant to travel to the local agency to obtain vouchers. The State agency shall describe any plans for

Effective date.
42 USC 1773
note.

State and local
governments.

Mail.

issuance of vouchers by mail in its plan submitted under paragraph (1). The Secretary may disapprove a State plan with respect to the issuance of vouchers by mail in any specified jurisdiction or part of a jurisdiction within a State only if the Secretary finds that such issuance would pose a significant threat to the integrity of the program under this section in such jurisdiction or part of a jurisdiction.”; and

(B) by adding after paragraph (20) (as added by section 123(a)(3)(F) of this Act) the following new paragraph:

“(21) Each State agency shall conduct monitoring reviews of each local agency at least biennially.”.

(b) **IMPLEMENTATION.**—Not later than July 1, 1990, the Secretary of Agriculture shall issue final regulations to implement the amendments made by subsection (a).

Regulations.
42 USC 1786
note.

SEC. 214. UPDATING OF PLANS FOR NUTRITION EDUCATION AND TRAINING.

Paragraph (3) of section 19(h) of the Child Nutrition Act of 1966 (as amended by section 124 of this Act) (42 U.S.C. 1788(h)) is amended by adding at the end the following new sentence: “Each plan developed as required by this section shall be updated on an annual basis.”.

TITLE III—TECHNICAL AMENDMENTS

PART A—AMENDMENTS TO THE NATIONAL SCHOOL LUNCH ACT

SEC. 301. APPORTIONMENTS TO STATES.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting before section 4 the following new heading:

42 USC 1753.

“APPORTIONMENTS TO STATES”.

SEC. 302. DIRECT FEDERAL EXPENDITURES.

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

(1) in paragraph (1), by striking “his” and inserting “the Secretary’s”;

(2) in paragraph (2), by striking “him” and inserting “the Secretary”; and

(3) in the matter following paragraph (3)—

(A) by striking “him” and inserting “the Secretary”;

(B) by striking “(50 Stat. 323)”;

(C) by striking “(49 Stat. 774), as amended”.

SEC. 303. PAYMENTS TO STATES.

(a) **INSERTION OF SECTION HEADING.**—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting before section 7 the following new heading:

42 USC 1756.

“PAYMENTS TO STATES”.

(b) **CORRECTION OF TYPOGRAPHICAL ERROR.**—Paragraph (2) of section 7(a) of the National School Lunch Act (42 U.S.C. 1756(a)) is amended by striking “the the” and inserting “the”.

SEC. 304. STATE DISBURSEMENT TO SCHOOLS.

Subsection (d) of section 8 of the National School Lunch Act (as designated by section 201 of this Act) (42 U.S.C. 1757) is amended—

Handicapped
persons.

- (1) by striking "persons" and inserting "individuals";
- (2) by striking "to be mentally or physically handicapped" and inserting "to have 1 or more mental or physical handicaps"; and
- (3) by striking "for mentally or physically handicapped" and inserting "for individuals with mental or physical handicaps".

SEC. 305. NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS.

(a) **ELIMINATION OF DUPLICATE PROVISION.**—Section 9(e) of the National School Lunch Act (42 U.S.C. 1758(e)), as similarly added first by section 324 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-361), later by section 324 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-364), and later by section 4204 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if only the latest amendment was enacted.

(b) **MISCELLANEOUS TECHNICAL AMENDMENTS.**—Section 9 of the National School Lunch Act (as amended by sections 101 and 202 of this Act and subsection (a) of this section) (42 U.S.C. 1758) is amended—

- (1) by striking "family-size" each place it appears and inserting "family size"; and
- (2) in subsection (c)—
 - (A) in the first sentence, by striking "School-lunch" and inserting "School lunch";
 - (B) in the third sentence, by striking "(49 Stat. 774), as amended"; and
 - (C) in the fourth sentence, by striking ", as amended," each place it appears.

SEC. 306. MISCELLANEOUS PROVISIONS AND DEFINITIONS.

(a) **ELIMINATION OF DUPLICATE PROVISIONS.**—

(1) **DEFINITION OF SECRETARY.**—Section 12(d)(8) of the National School Lunch Act (42 U.S.C. 1760(d)(8)), as similarly added first by section 373(a) of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-369), later by section 373(a) of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-372), and later by section 4503(a) of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if only the latest amendment was enacted.

(2) **USE OF SCHOOL LUNCH FACILITIES FOR ELDERLY PROGRAMS.**—Section 12(i) of the National School Lunch Act (42 U.S.C. 1760(i)), as similarly added first by section 326 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-361), later by section 326 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-365), and later by section 4206 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal

Year 1987 (Public Law 99-661), is amended to read as if only the latest amendment was enacted.

(b) MISCELLANEOUS TECHNICAL AMENDMENTS.—Section 12 of the National School Lunch Act (as amended by subsection (a)) (42 U.S.C. 1760) is amended—

(1) in subsection (b), by striking “his” each place it appears and inserting “the Secretary’s”;

(2) in paragraph (5) of subsection (d), by striking “Internal Revenue Code of 1954” and inserting “Internal Revenue Code of 1986”;

(3) in subsection (g), by striking “his” and inserting “personal”; and

(4) in subsection (i) (as amended by subsection (a)(2))—

(A) by striking “(42 U.S.C. 1771 et seq.)”; and

(B) by striking “(42 U.S.C. 3001 et seq.)”.

SEC. 307. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Section 13 of the National School Lunch Act (as amended by section 102 of this Act) (42 U.S.C. 1761) is amended—

(1) in subsection (d), by striking “July 1,” and inserting “July 1”;

(2) in the third sentence of subsection (f), by striking “prescribed” and inserting “prescribe”;

(3) in the first sentence of subsection (g), by striking “: *Provided*” and all that follows through “respectively”; and

(4) in subsection (h)—

(A) by striking “(7 U.S.C. 1431)”;

(B) by striking “(7 U.S.C. 612c)”;

(C) by striking “(7 U.S.C. 1446a-1)”.

SEC. 308. REPEAL OF OBSOLETE PROVISION RELATING TO TEMPORARY EMERGENCY ASSISTANCE.

Section 13A of the National School Lunch Act (42 U.S.C. 1762) is repealed.

SEC. 309. ELECTION TO RECEIVE CASH PAYMENTS.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting before section 16 the following new heading:

42 USC 1765.

“ELECTION TO RECEIVE CASH PAYMENTS”.

SEC. 310. CHILD CARE FOOD PROGRAM.

(a) MISCELLANEOUS TECHNICAL AMENDMENTS.—Section 17 of the National School Lunch Act (as amended by sections 105, 131, and 204 of this Act) (42 U.S.C. 1766) is amended—

(1) in subsection (a), by striking “handicapped children” each place it appears and inserting “children with handicaps”;

Handicapped persons.

(2) in the second sentence of subsection (d)(1) (as redesignated by section 204(1) of this Act), by striking “Internal Revenue Code of 1954” and inserting “Internal Revenue Code of 1986”;

(3) in subsection (f)—

(A) in paragraph (1), by striking “day-care” and inserting “day care”; and

(B) in subparagraph (B) of paragraph (2), by striking the second period; and

(4) by striking subsection (k) (and redesignating the succeeding subsections accordingly).

(b) **ELIMINATION OF DUPLICATE PROVISION.**—Section 17(e) of the National School Lunch Act (42 U.S.C. 1766(e)), as similarly amended first by section 361 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-500 (100 Stat. 1783-367), later by section 361 of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-370), and later by section 4401 of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if only the latest amendment was enacted.

SEC. 311. PILOT PROJECTS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) (as amended by sections 107 and 205 of this Act) is amended—

- (1) by striking subsections (a), (b), and (c), and redesignating the succeeding subsections accordingly; and
- (2) in subsection (a) (as redesignated by paragraph (1))—
 - (A) by striking “(42 U.S.C. 1771 et seq.)”; and
 - (B) by striking “(42 U.S.C. 1774)”.

SEC. 312. GENERAL AMENDMENTS.

The National School Lunch Act (as otherwise amended by this Act) (42 U.S.C. 1751 et seq.) is amended—

- (1) by striking “school-lunch” each place it appears and inserting “school lunch”;
- (2) by striking “reduced-price” each place it appears and inserting “reduced price”; and
- (3) by striking “special-assistance” each place it appears and inserting “special assistance”.

PART B—AMENDMENTS TO THE CHILD NUTRITION ACT OF 1966

SEC. 321. SPECIAL MILK PROGRAM AUTHORIZATION.

Section 3(a) of the Child Nutrition Act of 1966 (as amended by section 211 of this Act) (42 U.S.C. 1772(a)) is amended—

- (1) in the first sentence of paragraph (1), by striking “he” and inserting “the Secretary”;
- (2) in paragraph (2), by striking “(42 U.S.C. 1751 et seq.)”;
- (3) in paragraph (4), by striking “he” and inserting “the Secretary”; and
- (4) in paragraph (5), by striking “their” and inserting “its”.

SEC. 322. SCHOOL BREAKFAST PROGRAM AUTHORIZATION.

Section 4 of the Child Nutrition Act of 1966 (as amended by sections 121 and 212 of this Act) (42 U.S.C. 1773) is amended—

- (1) by striking “reduced-price” each place it appears and inserting “reduced price”; and
- (2) in paragraph (3) of subsection (b), by striking “(42 U.S.C. 1766)”.

SEC. 323. REGULATIONS.

42 USC 1779.

The first sentence of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking “he” and inserting “the Secretary”.

SEC. 324. APPROPRIATIONS FOR ADMINISTRATIVE EXPENSE.

(a) **INSERTION OF SECTION HEADING.**—The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) is amended by inserting before section 14 the following heading:

“APPROPRIATIONS FOR ADMINISTRATIVE EXPENSE”.

(b) **ELIMINATION OF GENDER-SPECIFIC POSSESSIVE PRONOUN.**—Section 14 of the Child Nutrition Act of 1966 (42 U.S.C. 1783) is amended—

- (1) by striking “is” and inserting “are”; and
- (2) by striking “his” and inserting “the Secretary’s”.

SEC. 325. MISCELLANEOUS PROVISIONS AND DEFINITIONS.

Section 15 of the Child Nutrition Act of 1966 (42 U.S.C. 1784) is amended—

- (1) in subsection (b), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;
- (2) by redesignating subsections (a) through (f) as paragraphs (1) through (6), respectively;
- (3) in paragraph (3) (as redesignated by paragraph (2) of this section), by striking “Internal Revenue Code of 1954” and inserting “Internal Revenue Code of 1986”; and
- (4) in paragraph (6) (as redesignated by paragraph (2) of this section)—

(A) by striking “to be mentally or physically handicapped” and inserting “to have 1 or more mental or physical handicaps”; and

Handicapped
persons.

(B) by striking “for mentally or physically handicapped” and inserting “for individuals with mental or physical handicaps”.

SEC. 326. SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) **ELIMINATION OF DUPLICATE PROVISIONS.**—

(1) **STATE ELIGIBILITY FOR WIC FUNDS.**—Section 17(c)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)(4)), as similarly amended first by section 342(a) of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-367) and later by section 4302(a) of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if the later amendment had not been enacted.

(2) **BIENNIAL REPORT.**—Section 17(d)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(4)), as similarly amended first by section 343(a) of the School Lunch and Child Nutrition Amendments of 1986, as contained in Public Law 99-591 (100 Stat. 3341-367) and later by section 4303(a) of the Child Nutrition Amendments of 1986, as contained in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), is amended to read as if the later amendment had not been enacted.

(b) **MISCELLANEOUS TECHNICAL AMENDMENTS.**—Section 17 of the Child Nutrition Act of 1966 (as amended by sections 123 and 213 of this Act and subsection (a) of this section) (42 U.S.C. 1786) is amended—

(1) in paragraph (3) of subsection (c), by striking "section 1304 of the Food and Agriculture Act of 1977" and inserting "section 4 of the Agriculture and Consumer Protection Act of 1973";

(2) in subsection (d)—

(A) by moving the margin of paragraph (4) 2 ems to the left, so that the left margin of such paragraph is indented 2 ems and is aligned with the margin of paragraph (3); and

(B) in paragraph (4), by moving the margins of subparagraphs (A) through (C) 2 ems to the left, so that the left margin of each such subparagraph is indented 4 ems;

(3) in subsection (f)—

(A) in paragraph (8), by striking "persons" each place it appears and inserting "individuals";

(B) in paragraph (10)—

(i) by striking "a person" and inserting "an individual";

(ii) by striking "person's" and inserting "individual's"; and

(iii) by striking "the person" and inserting "the individual"; and

(C) by moving the margin of paragraph (17) 2 ems to the left, so that the left margin of such paragraph is indented 2 ems and is aligned with the margin of paragraph (16);

(4) in subsection (m)—

(A) in subparagraph (B) of paragraph (7), by striking "(7 U.S.C. 2011 et seq.)"; and

(B) in subparagraph (A) of paragraph (11), by striking "person" and inserting "individual"; and

(5) in paragraph (1) of subsection (n), by striking "this Act" and inserting "the Anti-Drug Abuse Act of 1988".

SEC. 327. NUTRITION EDUCATION AND TRAINING.

Section 19 of the Child Nutrition Act of 1966 (as amended by sections 124 and 214 of this Act) (42 U.S.C. 1788) is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking the semicolon each place it appears and inserting a comma;

(B) in the first sentence of paragraph (4)—

(i) by striking "(12 Stat." and all that follows through "308"; and

(ii) by striking "(26 Stat." and all that follows through "328"; and

(C) in paragraph (5)—

(i) by striking "(12 Stat." and all that follows through "308"; and

(ii) by striking "(26 Stat." and all that follows through "328"; and

(2) in paragraph (3) of subsection (h)—

(A) by striking “(12 Stat.” and all that follows through “308)”;

(B) by striking “(26 Stat.” and all that follows through “328)”.

Approved November 10, 1989.

LEGISLATIVE HISTORY—H.R. 24 (S. 1484):

HOUSE REPORTS: No. 101-194 (Comm. on Education and Labor).

CONGRESSIONAL RECORD, Vol. 135 (1989):

July 31, considered and passed House.

Aug. 3, S. 1484 considered and passed Senate; H.R. 24, amended, passed in lieu.

Oct. 10, House concurred in Senate amendment with an amendment.

Oct. 24, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):

Nov. 10, Presidential statement.