

(d) Funding

Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall pay to the Secretary to provide to the organization selected under this section, to establish and maintain the information clearinghouse, \$200,000 for each of fiscal years 1995 and 1996, \$150,000 for fiscal year 1997, \$100,000 for fiscal year 1998, \$166,000 for each of fiscal years 1999 through 2004, and \$250,000 for each of fiscal years 2010 through 2024. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

(June 4, 1946, ch. 281, §26, as added Pub. L. 103-448, title I, §123, Nov. 2, 1994, 108 Stat. 4731; amended Pub. L. 105-336, title I, §§103(c)(2), 112, Oct. 31, 1998, 112 Stat. 3147, 3157; Pub. L. 108-265, title I, §128, June 30, 2004, 118 Stat. 767; Pub. L. 111-80, title VII, §749(f), Oct. 21, 2009, 123 Stat. 2132; Pub. L. 111-296, title IV, §409, Dec. 13, 2010, 124 Stat. 3260; Pub. L. 114-113, div. A, title IV, Dec. 18, 2015, 129 Stat. 2266; Pub. L. 114-223, div. C, §148, as added Pub. L. 114-254, div. A, §101(3), Dec. 10, 2016, 130 Stat. 1006; Pub. L. 115-31, div. A, title IV, May 5, 2017, 131 Stat. 159; Pub. L. 115-141, div. A, title IV, Mar. 23, 2018, 132 Stat. 373; Pub. L. 116-6, div. B, title IV, Feb. 15, 2019, 133 Stat. 67; Pub. L. 116-94, div. B, title IV, Dec. 20, 2019, 133 Stat. 2635; Pub. L. 116-260, div. A, title IV, Dec. 27, 2020, 134 Stat. 1209; Pub. L. 117-103, div. A, title IV, Mar. 15, 2022, 136 Stat. 77; Pub. L. 117-328, div. A, title IV, Dec. 29, 2022, 136 Stat. 4488.)

Editorial Notes**AMENDMENTS**

2022—Subsec. (d). Pub. L. 117-328 substituted “2010 through 2024” for “2010 through 2023”.

Pub. L. 117-103 substituted “2010 through 2023” for “2010 through 2022”.

2020—Subsec. (d). Pub. L. 116-260 substituted “2010 through 2022” for “2010 through 2021”.

2019—Subsec. (d). Pub. L. 116-94 substituted “2010 through 2021” for “2010 through 2019”.

Pub. L. 116-6 substituted “2010 through 2019” for “2010 through 2018”.

2018—Subsec. (d). Pub. L. 115-141 substituted “2010 through 2018” for “2010 through 2017”.

2017—Subsec. (d). Pub. L. 115-31, which directed substitution of “2010 through 2017” for “2010 through 2016” in first sentence, could not be executed because of the prior identical amendment by Pub. L. 114-223, §148. See 2016 Amendment note below.

2016—Subsec. (d). Pub. L. 114-223, §148, as added by Pub. L. 114-254, §101(3), substituted “2010 through 2017” for “2010 through 2016” in first sentence.

2015—Subsec. (d). Pub. L. 114-113 substituted “2010 through 2016” for “2010 through 2015” in first sentence.

2010—Subsec. (d). Pub. L. 111-296 substituted “2010 through 2015” for “2005 through 2010” in first sentence.

2009—Subsec. (d). Pub. L. 111-80 substituted “2010” for “2009”.

2004—Subsec. (d). Pub. L. 108-265, in first sentence, substituted “1998,” for “1998, and” and “through 2004, and \$250,000 for each of fiscal years 2005 through 2009” for “through 2003”.

1998—Subsec. (d). Pub. L. 105-336 substituted “\$100,000 for fiscal year 1998, and \$166,000 for each of fiscal years 1999 through 2003” for “and \$100,000 for fiscal year 1998” in first sentence and inserted “, without further appropriation” before period at end of second sentence.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2010 AMENDMENT**

Amendment by Pub. L. 111-296 effective Oct. 1, 2010, except as otherwise specifically provided, see section 445 of Pub. L. 111-296, set out as a note under section 1751 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-336 effective Oct. 1, 1998, see section 401 of Pub. L. 105-336, set out as a note under section 1755 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1994, see section 401 of Pub. L. 103-448, set out as an Effective Date of 1994 Amendment note under section 1755 of this title.

§ 1769h. Repealed. Pub. L. 111-296, title IV, § 441(a)(14), Dec. 13, 2010, 124 Stat. 3264

Section, act June 4, 1946, ch. 281, §27, as added Pub. L. 103-448, title I, §124, Nov. 2, 1994, 108 Stat. 4732; amended Pub. L. 105-220, title IV, §414(d), Aug. 7, 1998, 112 Stat. 1242; Pub. L. 105-336, title I, §113, Oct. 31, 1998, 112 Stat. 3157, related to accommodation of the special dietary needs of individuals with disabilities.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF REPEAL**

Repeal effective Oct. 1, 2010, except as otherwise specifically provided, see section 445 of Pub. L. 111-296, set out as an Effective Date of 2010 Amendment note under section 1751 of this title.

§ 1769i. Program evaluation**(a) Performance assessments****(1) In general**

Subject to the availability of funds made available under paragraph (3), the Secretary, acting through the Administrator of the Food and Nutrition Service, may conduct annual national performance assessments of the meal programs under this chapter and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(2) Components

In conducting an assessment, the Secretary may assess—

(A) the cost of producing meals and meal supplements under the programs described in paragraph (1); and

(B) the nutrient profile of meals, and status of menu planning practices, under the programs.

(3) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection \$5,000,000 for fiscal year 2004 and each subsequent fiscal year.

(b) Certification improvements**(1) In general**

Subject to the availability of funds made available under paragraph (5), the Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct a study of the feasibility of improving the certification process used for the school lunch program established under this chapter.

(2) Pilot projects

In carrying out this subsection, the Secretary may conduct pilot projects to improve

the certification process used for the school lunch program.

(3) Components

In carrying out this subsection, the Secretary shall examine the use of—

- (A) other income reporting systems;
- (B) an integrated benefit eligibility determination process managed by a single agency;
- (C) income or program participation data gathered by State or local agencies; and
- (D) other options determined by the Secretary.

(4) Waivers

(A) In general

Subject to subparagraph (B), the Secretary may waive such provisions of this chapter and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as are necessary to carry out this subsection.

(B) Provisions

The protections of section 1758(b)(6) of this title shall apply to any study or pilot project carried out under this subsection.

(5) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection such sums as are necessary.

(c) Cooperation with program research and evaluation

States, State educational agencies, local educational agencies, schools, institutions, facilities, and contractors participating in programs authorized under this chapter and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall cooperate with officials and contractors acting on behalf of the Secretary, in the conduct of evaluations and studies under those Acts.

(June 4, 1946, ch. 281, §28, as added Pub. L. 108-265, title I, §129, June 30, 2004, 118 Stat. 767; amended Pub. L. 111-296, title III, §305, Dec. 13, 2010, 124 Stat. 3243.)

Editorial Notes

REFERENCES IN TEXT

The Child Nutrition Act of 1966, referred to in subsecs. (a)(1), (b)(4)(A), and (c), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, which is classified generally to chapter 13A (§1771 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of this title and Tables.

Those Acts, referred to in subsec. (c), mean the Richard B. Russell National School Lunch Act, which was in the original “this Act” and was translated to read “this chapter”, and the Child Nutrition Act of 1966. See above.

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-296 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-296 effective Oct. 1, 2010, except as otherwise specifically provided, see section 445 of Pub. L. 111-296, set out as a note under section 1751 of this title.

§ 1769j. Ensuring safety of school meals

(a) Food and Nutrition Service

Not later than 1 year after December 13, 2010, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall—

- (1) in consultation with the Administrator of the Agricultural Marketing Service and the Administrator of the Farm Service Agency, develop guidelines to determine the circumstances under which it is appropriate for the Secretary to institute an administrative hold on suspect foods purchased by the Secretary that are being used in school meal programs under this chapter and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);
- (2) work with States to explore ways for the States to increase the timeliness of notification of food recalls to schools and school food authorities;
- (3) improve the timeliness and completeness of direct communication between the Food and Nutrition Service and States about holds and recalls, such as through the commodity alert system of the Food and Nutrition Service; and
- (4) establish a timeframe to improve the commodity hold and recall procedures of the Department of Agriculture to address the role of processors and determine the involvement of distributors with processed products that may contain recalled ingredients, to facilitate the provision of more timely and complete information to schools.

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- (4) establish a timeframe to improve the commodity hold and recall procedures of the Department of Agriculture to address the role of processors and determine the involvement of distributors with processed products that may contain recalled ingredients, to facilitate the provision of more timely and complete information to schools.

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- (3) improve the timeliness and completeness of direct communication between the Food and Nutrition Service and States about holds and recalls, such as through the commodity alert system of the Food and Nutrition Service; and
- (4) establish a timeframe to improve the commodity hold and recall procedures of the Department of Agriculture to address the role of processors and determine the involvement of distributors with processed products that may contain recalled ingredients, to facilitate the provision of more timely and complete information to schools.

(b) Food Safety and Inspection Service

Not later than 1 year after December 13, 2010, the Secretary, acting through the Administrator of the Food Safety and Inspection Service, shall revise the procedures of the Food Safety and Inspection Service to ensure that schools are included in effectiveness checks.

(June 4, 1946, ch. 281, §29, as added Pub. L. 111-296, title III, §308, Dec. 13, 2010, 124 Stat. 3246.)

Editorial Notes

REFERENCES IN TEXT

The Child Nutrition Act of 1966, referred to in subsec. (a)(1), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, which is classified generally to chapter 13A (§1771 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of this title and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2010, except as otherwise specifically provided, see section 445 of Pub. L. 111-296, set out as an Effective Date of 2010 Amendment note under section 1751 of this title.

CHAPTER 13A—CHILD NUTRITION

Sec.

- 1771. Congressional declaration of purpose.
- 1772. Special program to encourage the consumption of fluid milk by children; authorization of appropriations; eligibility for special milk program; minimum rate of reimbursement; ineligibility of commodity only schools.