

Public Law 92-433

September 26, 1972
[H. R. 14896]

AN ACT

To amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs.

Child nutrition
programs.
Continuation
and expansion.
82 Stat. 117;
85 Stat. 86.
Summer program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended by adding at the end thereof the following:

“(i) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to utilize, during the period May 15 to September 15, 1972, not to exceed \$25,000,000 from funds available during the fiscal years 1972 and 1973 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the purposes of this section. Funds expended under the provisions of this paragraph shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 13 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32. Funds made available under this subsection shall be in addition to direct appropriations or other funds available for the conduct of summer food service programs for children.”

49 Stat. 774.

Grants-in-aid.
85 Stat. 86.

SEC. 2. (a) The first sentence of section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)), as amended, is amended to read as follows: “There is hereby authorized to be appropriated such sums as are necessary for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions.”

(b) Section 13(a)(2) of such Act is amended by inserting a new sentence at the end thereof as follows: “To the maximum extent feasible, consistent with the purposes of this section, special summer programs shall utilize the existing food service facilities of public and nonprofit private schools.”

School break-
fast program,
appropriation.
85 Stat. 85.

SEC. 3. (a) The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: “There is hereby authorized to be appropriated such sums as are necessary for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, to enable the Secretary to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in all schools which make application for assistance and agree to carry out a nonprofit breakfast program in accordance with this Act.”

80 Stat. 886.

(b) Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended to read as follows:

“APPORTIONMENT TO STATES

“(b) Of the funds appropriated for the purposes of this section, the Secretary shall for the fiscal year ending June 30, 1973, (1) apportion \$2,600,000 equally among the States other than Guam, the Virgin Islands, and American Samoa, and \$45,000 equally among Guam, the Virgin Islands, and American Samoa, and (2) apportion the remainder among the States in accordance with the apportionment formula

contained in section 4 of the National School Lunch Act, as amended. For each fiscal year beginning with the fiscal year ending June 30, 1974, the Secretary shall make breakfast assistance payments, at such times as he may determine, from the sums appropriated therefor, to each State educational agency, in a total amount equal to the result obtained by (1) multiplying the number of breakfasts (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to subsection (e) of this section) served during such fiscal year to children in schools in such States which participate in the breakfast program under this section under agreements with such State educational agency by a national average breakfast payment prescribed by the Secretary for such fiscal year to carry out the purposes of this section; (2) multiplying the number of such breakfasts served free to children eligible for free breakfasts in such schools during such fiscal year by a national average free breakfast payment prescribed by the Secretary for such fiscal year to carry out the purposes of this section; and (3) multiplying the number of reduced price breakfasts served to children eligible for reduced price breakfasts in such schools during such fiscal year by a national average reduced price breakfast payment prescribed by the Secretary for such fiscal year to carry out the provisions of this section: *Provided*, That in any fiscal year the aggregate amount of the breakfast assistance payments made by the Secretary to each State educational agency for any fiscal year shall not be less than the amount of the payments made by the State educational agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this section."

(c) Section 4(c) of the Child Nutrition Act (42 U.S.C. 1773(c)) is amended by adding at the end thereof the following sentence: "Breakfast assistance disbursements to schools under this section may be made in advance or by way of reimbursement in accordance with procedures prescribed by the Secretary."

(d) Section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)) is amended to read as follows:

"NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

"(e) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served free or at a reduced price to children in school under the same terms and conditions as are set forth with respect to the service of lunches free or at a reduced price in section 9 of the National School Lunch Act."

(e) Section 4(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(f)) is amended to read as follows:

"(f) For the fiscal year ending June 30, 1973, any withholding of funds for and disbursement to nonprofit private schools shall be effected in the manner used prior to such fiscal year. Beginning with the fiscal year ending June 30, 1974, the Secretary shall make payments from the sums appropriated for any fiscal year for the purposes of this section directly to the nonprofit private schools within a State, that participate in the breakfast program under an agreement with the Secretary, for the same purposes and subject to the same conditions as are authorized or required under this section with respect to the disbursements by State educational agencies."

SEC. 4. (a) Notwithstanding any other provision of law, the Secretary of Agriculture shall until such time as a supplemental appro-

Post, p. 726.

State disbursement to schools.
80 Stat. 886;
85 Stat. 85.

Post, p. 726.

Nonprofit private schools.
80 Stat. 887.

Reimbursement rate.

49 Stat. 774.

Infra.

priation may provide additional funds for such purpose use so much of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)), as may be necessary, in addition to the funds available therefor, to carry out the purposes of section 4 of the National School Lunch Act and provide an average rate of reimbursement of not less than 8 cents per meal within each State during the fiscal year 1973. Funds expended under the foregoing provisions of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 4 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32.

(b) Funds made available pursuant to this section shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced-price lunches and to meet the objective of this section with respect to providing a minimum rate of reimbursement under section 4 of the National School Lunch Act, and such funds shall be apportioned and paid as expeditiously as may be practicable.

(c) Section 4 of the National School Lunch Act is amended effective after the fiscal year ending June 30, 1973, to read as follows:

"SEC. 4. The sums appropriated for any fiscal year pursuant to the authorizations contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other food for the program in accordance with the provisions of this Act. For each fiscal year the Secretary shall make food assistance payments, at such times as he may determine, from the sums appropriated therefor, to each State educational agency, in a total amount equal to the result obtained by multiplying the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary under subsection 9(a) of this Act) served during such fiscal year to children in schools in such State, which participate in the school lunch program under this Act under agreements with such State educational agency, by a national average payment per lunch for such fiscal year determined by the Secretary to be necessary to carry out the purposes of this Act: *Provided*, That in any fiscal year such national average payment shall not be less than 8 cents per lunch and that the aggregate amount of the food assistance payments made by the Secretary to each State educational agency for any fiscal year shall not be less than the amount of the payments made by the State agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this section 4."

(d) Section 10 of the National School Lunch Act of 1946 (42 U.S.C. 1759) is amended by striking "section 7." at the end thereof and inserting in lieu thereof the following: "section 7: *Provided*, That beginning with the fiscal year ending June 30, 1974, the Secretary shall make payments from the sums appropriated for any fiscal year for the purposes of section 4 of this Act directly to the nonprofit private schools in such State for the same purposes and subject to the same conditions as are authorized or required under this Act with respect to the disbursements by the State educational agencies."

SEC. 5. (a) The first sentence of section 9 of the National School Lunch Act is designated as subsection (a) of that section.

(b) The second through the seventh sentences of section 9 of the National School Lunch Act shall be designated as subsection (b) of that section and are amended to read as follows:

Apportionment
to States.

76 Stat. 944.
42 USC 1753.

84 Stat. 208.
42 USC 1752.
60 Stat. 231.
42 USC 1754.

Infra.

Nonprofit pri-
vate schools,
disbursement.
60 Stat. 233;
84 Stat. 208.

Program require-
ments.

60 Stat. 233;
82 Stat. 117.
42 USC 1758.
84 Stat. 210;
85 Stat. 420.

“(b) The Secretary, not later than May 15 of each fiscal year, shall prescribe an income poverty guideline setting forth income levels by family size for use in the subsequent fiscal year, and such guideline shall not subsequently be reduced to be effective in such subsequent fiscal year. Any child who is a member of a household which has an annual income not above the applicable family-size income level set forth in the income poverty guideline prescribed by the Secretary shall be served a free lunch. Following the announcement by the Secretary of the income poverty guideline for each fiscal year, each State educational agency shall prescribe the income guidelines, by family size, to be used by schools in the State during such fiscal year in making determinations of those children eligible for a free lunch. The income guidelines for free lunches to be prescribed by each State educational agency shall not be less than the applicable family-size income levels in the income poverty guideline prescribed by the Secretary and shall not be more than 25 per centum above such family-size income levels. Each fiscal year, each State educational agency shall also prescribe income guidelines, by family size, to be used by schools in the State during such fiscal year in making determinations of those children eligible for a lunch at a reduced price, not to exceed 20 cents, if a school elects to serve reduced-price lunches. Such income guidelines for reduced-price lunches shall be prescribed at not more than 50 per centum above the applicable family-size income levels in the income poverty guideline prescribed by the Secretary, except that any local school authority having income guidelines for free or reduced price lunches which exceed those allowed by this subsection may continue to use such guidelines for determining eligibility until July 1, 1973, if such guidelines were established prior to July 1, 1972. Local school authorities shall publicly announce such income guidelines on or about the opening of school each fiscal year and shall make determinations with respect to the annual incomes of any household solely on the basis of a statement executed in such form as the Secretary may prescribe by an adult member of such household. No physical segregation of or other discrimination against any child eligible for a free lunch or a reduced-price lunch shall be made by the school nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or by other means.”

Income poverty
guideline.

Discrimination
prohibition.

(c) The eighth through the thirteenth sentences of section 9 of the National School Lunch Act shall be designated as subsection (c) of that section and the last sentence of such subsection shall be amended by deleting the phrase “under the provisions of section 10 until such time as the Secretary” and inserting in lieu thereof the following phrase “under this Act until such time as the State educational agency, or in the case of such schools which participate under the provisions of section 10 of this Act the Secretary”.

Ante, p. 726.

SEC. 6. (a) The first sentence of section 5(a) of the Child Nutrition Act of 1966, as amended by section 2 of Public Law 91-248, is amended by deleting the phrase “for the fiscal year ending June 30, 1973, not to exceed \$15,000,000 and for each succeeding fiscal year, not to exceed \$10,000,000” and inserting in lieu thereof the following phrase: “for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, not to exceed \$40,000,000 and for each succeeding fiscal year, not to exceed \$20,000,000”.

Appropriation.
84 Stat. 208.
42 USC 1774.

(b) Section 5(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1774(b)) is amended to read as follows:

Apportionment
to States.

“(b) Except for the funds reserved under subsection (e) of this section, the Secretary shall apportion the funds appropriated for the

Ante, p. 726.

purposes of this section among the States on the basis of the ratio that the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to section 9 of the National School Lunch Act) served in each State in the latest preceding fiscal year for which the Secretary determines data are available at the time such funds are apportioned bears to the total number of such lunches served in all States in such preceding fiscal year. If any State cannot utilize all of the funds apportioned to it under the provisions of this subsection, the Secretary shall make further apportionments to the remaining States in the manner set forth in this subsection for apportioning funds among all the States. Payments to any State of funds apportioned under the provisions of this subsection for any fiscal year shall be made upon condition that at least one-fourth of the cost of equipment financed under this subsection shall be borne by funds from sources within the State."

Nonprofit private schools.
80 Stat. 887.

(c) Section 5(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1774(d)) is amended to read as follows:

Ante, p. 726.

"(d) If, in any State, the State educational agency is prohibited by law from administering the program authorized by this section in nonprofit private schools within the State, the Secretary shall administer such program in such private schools. In such event, the Secretary shall withhold from the funds apportioned to any such State under the provisions of subsection (b) of this section an amount which bears the same ratio to such funds as the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to section 9(a) of the National School Lunch Act) served in nonprofit private schools in such State in the latest preceding fiscal year for which the Secretary determines data are available at the time such funds are withheld bears to the total number of such lunches served in all schools within such State in such preceding fiscal year."

Supra.

(d) Section 5 of the Child Nutrition Act (42 U.S.C. 1774) is amended by adding at the end thereof the following new subsection:

"RESERVE OF FUNDS

"(e) In each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, 50 per centum of the funds appropriated for the purposes of this section shall be reserved by the Secretary to assist schools without a food service. The Secretary shall apportion the funds so reserved among the States on the basis of the ratio of the number of children enrolled in schools without a food service in the State for the latest fiscal year for which the Secretary determines data are available at the time such funds are apportioned to the total number of children enrolled in schools without a food service in all States in such fiscal year. In those States in which the Secretary administers the nonfood assistance program in nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under this subsection an amount which bears the same ratio to such funds as the number of children enrolled in nonprofit private schools without a food service in such State for the latest fiscal year for which the Secretary determines data are available at the time such funds are withheld bears to the total number of children enrolled in all schools without food service in such State in such fiscal year. The funds reserved, apportioned, and withheld under the authority of this subsection shall be used by State educational agencies, or the Secretary in the case of nonprofit private schools, only to assist schools without

a food service. If any State cannot utilize all the funds apportioned to it under the provisions of this subsection to assist schools in the State without a food service, the Secretary shall make further apportionments to the remaining States in the same manner set forth in this subsection for apportioning funds among all the States and such remaining States, or the Secretary in the case of nonprofit private schools, shall use the additional funds so apportioned or withheld only to assist schools in the State without a food service. Payments to any State of the funds apportioned under the provisions of this paragraph shall be made upon condition that at least one-fourth of the cost of equipment financed shall be borne by funds from sources within the State, except that such condition shall not apply with respect to funds used under this section to assist schools without food service if such schools are especially needy, as determined by the State."

(e) To assist the Congress in determining the amounts needed annually, the Secretary is directed to conduct a survey among the States and school districts on unmet needs for equipment in schools eligible for assistance under section 5 of the Child Nutrition Act. The results of such survey shall be reported to the Congress by June 30, 1973.

Equipment
survey.

Ante, pp. 727,
728.
Report to Con-
gress.

SEC. 7. After the first sentence of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) add the following new sentence: "Such regulations shall not prohibit the sale of competitive foods in food service facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods will inure to the benefit of the schools or of organizations of students approved by the schools."

Regulations.
80 Stat. 889;
84 Stat. 212.

60 Stat. 230;
85 Stat. 85.
42 USC 1751
note.

SEC. 8. Section 8 of the National School Lunch Act (42 U.S.C. 1757) is amended by deleting the phrase "reimbursing it for" in the second sentence thereof and inserting in lieu thereof the following: "assisting it to finance" and by adding at the end of such section the following sentence: "Lunch assistance disbursements to schools under this section and under section 11 of this Act may be made in advance or by way of reimbursement in accordance with procedures prescribed by the Secretary."

60 Stat. 232.

84 Stat. 211.
42 USC 1759a.

SEC. 9. The Child Nutrition Act of 1966 is further amended by adding at the end thereof a new section as follows:

80 Stat. 885.
42 USC 1771
note.

"SPECIAL SUPPLEMENTAL FOOD PROGRAM

"SEC. 17. (a) During each of the fiscal years ending June 30, 1973, and June 30, 1974, the Secretary shall make cash grants to the health department or comparable agency of each State for the purpose of providing funds to local health or welfare agencies or private nonprofit agencies of such State serving local health or welfare needs to enable such agencies to carry out a program under which supplemental foods will be made available to pregnant or lactating women and to infants determined by competent professionals to be nutritional risks because of inadequate nutrition and inadequate income. Such program shall be operated for a two-year period and may be carried out in any area of the United States without regard to whether a food stamp program or a direct food distribution program is in effect in such area.

"(b) In order to carry out the program provided for under subsection (a) of this section during the fiscal year ending June 30, 1973, the Secretary shall use \$20,000,000 out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). In order to carry out such program during the fiscal year ending June 30, 1974, there is authorized to be appropriated the sum of \$20,000,000, but in

49 Stat. 774.

Appropriation.

the event that such sum has not been appropriated for such purpose by August 1, 1973, the Secretary shall use \$20,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and \$20,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). Any funds expended from such section 32 to carry out the provisions of subsection (a) of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of such subsection, and such reimbursements shall be deposited into the fund established pursuant to such section 32, to be available for the purpose of such section.

49 Stat. 774.

Administrative costs, limitation.

“(c) Whenever any program is carried out by the Secretary under authority of this section through any State or local or nonprofit agency, he is authorized to pay administrative costs not to exceed 10 per centum of the Federal funds provided under the authority of this section.

Eligibility.

“(d) The eligibility of persons to participate in the program provided for under subsection (a) of this section shall be determined by competent professional authority. Participants shall be residents of areas served by clinics or other health facilities determined to have significant numbers of infants and pregnant and lactating women at nutritional risk.

Medical records.

“(e) State or local agencies or groups carrying out any program under this section shall maintain adequate medical records on the participants assisted to enable the Secretary to determine and evaluate the benefits of the nutritional assistance provided under this section. The Secretary and Comptroller General of the United States shall submit preliminary evaluation reports to the Congress not later than October 1, 1973; and not later than March 30, 1974, submit reports containing an evaluation of the program provided under this section and making recommendations with regard to its continuation.

Reports to Congress.

Definitions.

“(f) As used in this section—

“(1) ‘Pregnant and lactating women’ when used in connection with the term at ‘nutrition risk’ includes mothers from low-income populations who demonstrate one or more of the following characteristics: known inadequate nutritional patterns, unacceptably high incidence of anemia, high prematurity rates, or inadequate patterns of growth (underweight, obesity, or stunting). Such term (when used in connection with the term ‘at nutritional risk’) also includes low-income individuals who have a history of high-risk pregnancy as evidenced by abortion, premature birth, or severe anemia.

“(2) ‘Infants’ when used in connection with the term ‘at nutritional risk’ means children under four years of age who are in low-income populations which have shown a deficient pattern of growth, by minimally acceptable standards, as reflected by an excess number of children in the lower percentiles of height and weight. Such term, when used in connection with ‘at nutritional risk’, may also include (at the discretion of the Secretary) children under four years of age who (A) are in the parameter of nutritional anemia, or (B) are from low-income populations where nutritional studies have shown inadequate infant diets.

“(3) ‘Supplemental foods’ shall mean those foods containing nutrients known to be lacking in the diets of populations at nutritional risks and, in particular, those foods and food products containing high-quality protein, iron, calcium, vitamin A, and vitamin C. Such term may also include (at the discretion of the

Secretary) any food product commercially formulated preparation specifically designed for infants.

“(4) ‘Competent professional authority’ includes physicians, nutritionists, registered nurses, dieticians, or State or local medically trained health officials, or persons designated by physicians or State or local medically trained health officials as being competent professionally to evaluate nutritional risk.”

SEC. 10. Section 7 of the National School Lunch Act (42 U.S.C. 1756) is amended by inserting the words “for the preceding fiscal year” after the phrase “per centum of the matching requirement” each time such phrase appears in such section.

60 Stat. 232;
84 Stat. 209.

Approved September 26, 1972.

Public Law 92-434

AN ACT

To give the consent of Congress to the construction of certain international bridges, and for other purposes.

September 26, 1972
[H. R. 15577]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “International Bridge Act of 1972”.

International
Bridge Act of
1972.

Bridge construction, consent
of Congress.

SEC. 2. The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches thereto, which will connect the United States with any foreign country (hereinafter in this Act referred to as an “international bridge”) and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be subject to (1) the approval of the proper authorities in the foreign country concerned; (2) the provisions of the Act entitled “An Act to regulate the construction of bridges over navigable waters”, approved March 23, 1906 (33 U.S.C. 491-498), except section 6 (33 U.S.C. 496), whether or not such bridge is to be built across or over any of the navigable waters of the United States; and (3) the provisions of this Act.

34 Stat. 84.

SEC. 3. The consent of Congress is hereby granted for a State or a subdivision or instrumentality thereof to enter into agreements—

Agreements with
Canada and Mex-
ico, consent of
Congress.

(1) with the Government of Canada, a Canadian Province, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Canada, or

(2) with the Government of Mexico, a Mexican State, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Mexico,

for the construction, operation, and maintenance of such bridge in accordance with the applicable provisions of this Act. The effectiveness of such agreement shall be conditioned on its approval by the Secretary of State.

Secretary of
State, approval.

SEC. 4. No bridge may be constructed, maintained, and operated as provided in section 2 unless the President has given his approval thereto. In the course of determining whether to grant such approval, the President shall secure the advice and recommendations of (1) the United States section of the International Boundary and Water

Presidential
approval.