

Resolved, That the said joint resolution pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

FRANCIS R. VALEO

Secretary.

Public Law 93-149

AN ACT

November 7, 1973
[H. R. 5943]

To amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States.

Council of the
Organization of
American States.
Diplomatic
privileges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 10, 1952 (66 Stat. 516, 22 U.S.C. 288g), is amended as follows:

(a) The title of the Act is amended to read as follows:

"An Act to extend certain privileges to the representatives of member states and permanent observers to the Organization of American States."

(b) The body of the Act is amended to read as follows:

"That, under such terms and conditions as he shall determine, the President is hereby authorized to extend, or to enter into an agreement extending, to the representatives of member states (other than the United States) to the Organization of American States and to permanent observers to the Organization of American States, and to members of the staffs of said representatives and permanent observers, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic envoys accredited to the United States."

Approved November 7, 1973.

Public Law 93-150

AN ACT

November 7, 1973
[H. R. 9639]

To amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

National School
Lunch and Child
Nutrition Act
Amendments of
1973.

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 "National School Lunch and Child Nutrition Act Amendments of 1973".

REIMBURSEMENT

86 Stat. 726.
42 USC 1753.

SEC. 2. (a) Section 4 of the National School Lunch Act is amended to delete the phrase "8 cents per lunch" as it appears in said section and substitute the phrase "10 cents per lunch".

60 Stat. 232;
86 Stat. 729.
42 USC 1757.

(b) Section 8 of the National School Lunch Act is amended by inserting before the last sentence thereof the following new sentence: "In any fiscal year in which the national average payment per lunch determined under section 4 is increased above the amount prescribed in the previous fiscal year, the maximum Federal food-cost contribution rate, for the type of lunch served, shall be increased by a like amount."

SPECIAL ASSISTANCE FUNDS

SEC. 3. (a) Section 11 of the National School Lunch Act is amended by redesignating subsections (g) and (h) as subsections (d) and (e), respectively, and by striking out subsections (a), (b), (c), (d), (e), and (f), and inserting in lieu thereof the following:

“(a) Except as provided in section 10 of this Act, in each fiscal year each State educational agency shall receive special-assistance payments in an amount equal to the sum of the product obtained by multiplying the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to subsection 9(a) of this Act) served free to children eligible for such lunches in schools within that State during such fiscal year by the special-assistance factor for free lunches prescribed by the Secretary for such fiscal year and the product obtained by multiplying the number of lunches served at a reduced price to children eligible for such reduced-price lunches in schools within that State during such fiscal year by the special-assistance factor for reduced-price lunches prescribed by the Secretary for such fiscal year. For the fiscal year beginning July 1, 1973, the Secretary shall prescribe a special-assistance factor for free lunches of not less than 45 cents and a special-assistance factor for reduced-price lunches which shall be 10 cents less than the special-assistance factor for free lunches. The Secretary shall prescribe on July 1 of each fiscal year, and on January 1, of each fiscal year, semiannual adjustments in the national average rates for lunches served under section 4 of the National School Lunch Act and the special-assistance factor for the lunches served under section 11 of the National School Lunch Act, and the national average rates for breakfasts served under section 4 of the Child Nutrition Act of 1966, as amended, that shall reflect changes in the cost of operating a school lunch and breakfast program under these Acts, as indicated by the change in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor: *Provided*, That the initial such adjustment shall reflect the change in the series for food away from home during the period September 1973, through November 1973: *Provided further*, That each subsequent adjustment shall reflect the changes in the series for food away from home for the most recent six-month period for which such data are available: *Provided further*, That such adjustments shall be computed to the nearest one-fourth cent. Notwithstanding the foregoing two sentences, (1) for the fiscal year beginning July 1, 1973, no special assistance factor under this section 11 shall, for any State, be less than the average reimbursement paid for each free lunch (in the case of the special assistance factor for free lunches), or for each reduced price lunch (in the case of the special assistance factor for reduced price lunches), in such State under this section in the fiscal year beginning July 1, 1972; and (2) adjustments required by the sentence immediately preceding this sentence shall be based on the special assistance factors for the fiscal year beginning July 1, 1973, as determined without regard to any increase required by the application of this sentence.

“(b) Except as provided in section 10 of the Child Nutrition Act of 1966, the special-assistance payments made to each State agency during each fiscal year under the provisions of this section shall be used by such State agency to assist schools of that State in financing the cost of providing free and reduced-price lunches served to children pursuant to subsection 9(b) of this Act. The amount of such special assistance funds that a school shall from time to time receive, within a maximum per lunch amount established by the Secretary for all States, shall be based on the need of the school for such special

84 Stat. 211.
42 USC 1759a.

State educational agencies.
60 Stat. 233;
86 Stat. 726.
42 USC 1759.

42 USC 1758.

Ante, p. 560.

Supra.

Post, p. 562.

80 Stat. 889;
84 Stat. 212;
86 Stat. 729.
42 USC 1779.

86 Stat. 727.
42 USC 1758.

assistance. Such maximum per lunch amount established by the Secretary shall not be less than 60 cents.

“(c) Special assistance payments to any State under this section shall be made as provided in the last sentence of section 7 of this Act.”

(b) The proviso of section 10 of the National School Lunch Act is amended by inserting “and section 11” after section 4”.

60 Stat. 232;
86 Stat. 731.
42 USC 1756.
60 Stat. 233;
86 Stat. 726.
42 USC 1759.

SCHOOL BREAKFAST PROGRAMS

SEC. 4. (a) The first sentence of section 4(c) of the Child Nutrition Act of 1966 is amended to read as follows: “Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency to assist such schools in financing the costs of operating a breakfast program and for the purpose of subsection (d).”

(b) The second sentence of section 4(c) of the Child Nutrition Act of 1966 is deleted.

(c) Section 4(b) of the Child Nutrition Act of 1966 is amended by adding the following sentences at the end of such section: “The national average payment established by the Secretary for all breakfasts served to eligible children shall not be less than 8 cents; an amount of not less than 15 cents shall be added for each reduced-price breakfast; and an amount of not less than 20 cents shall be added for each free breakfast. In cases of severe need, a payment of up to 45 cents may be made for each breakfast served to children qualifying for a free breakfast.”

80 Stat. 866;
85 Stat. 85;
86 Stat. 725.
42 USC 1773.

86 Stat. 724.

CASH IN LIEU OF COMMODITIES

SEC. 5. (a) Section 6 of the National School Lunch Act is amended by striking the present subsections (b), (c), and (d) and by substituting in lieu thereof the following new subsections;

“(b) As of February 15 of each fiscal year, the Secretary shall make an estimate of the value of agricultural commodities and other foods that will be delivered during that fiscal year to States for school food service programs under the provisions of this section, section 416 of the Agricultural Act of 1949, and section 32 of the Act of August 24, 1935. If such estimated value is less than 90 per centum of the value of such deliveries initially programed for that fiscal year, the Secretary shall pay to State educational agencies, by not later than March 15 of that fiscal year, an amount of funds that is equal to the difference between the value of such deliveries initially programed for such fiscal year and the estimated value as of February 15 of such fiscal year of the commodities and other foods to be delivered in such fiscal year. The share of such funds to be paid to each State educational agency shall bear the same ratio to the total of such payment to all such agencies as the number of meals served under the provisions of section 9(a) of this Act and section 4(e) of the Child Nutrition Act of 1966 during the preceding fiscal year bears to the total of all such meals served in all the States during such fiscal year: *Provided*, That in any State in which the Secretary directly administers school food service programs in the nonprofit private schools of such State, the Secretary shall withhold from the funds to be paid to any such State under the provisions of this subsection an amount that bears the same ratio to the total of such payment as the number of meals served in nonprofit private schools under the provisions of section 9(a) of this Act and section 4(e) of the Child Nutrition Act of 1966 during that fiscal year bears to the total of such meals served in all the schools in such State in such fiscal year. Each State educational agency, and the Secretary in the case of nonprofit private schools in which he directly administers

Ante, p. 10.

68 Stat. 458.
7 USC 1431.
49 Stat. 774.
7 USC 612c.

60 Stat. 233;
86 Stat. 726.
42 USC 1758.
86 Stat. 725.
42 USC 1773.
Nonprofit private schools.

school food service programs, shall promptly and equitably disburse such funds to schools participating in the lunch and breakfast programs under this Act and the Child Nutrition Act of 1966 and such disbursements shall be used by such schools to obtain agricultural commodities and other foods for their food service program. Such food shall be limited to the requirements for lunches and breakfasts for children as provided for in the regulations by the Department of Agriculture under title 7, subtitle (b), chapter II, subchapter (a), parts 210 and 220.

80 Stat. 885.
42 USC 1771
note.

“(c) Notwithstanding any other provision of law, the Secretary, until such time as a supplemental appropriation may provide additional funds for the purpose of subsection (b) of this section, shall use funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612e) to make any payments to States authorized under such subsection. Any section 32 funds utilized to make such payments shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out subsection (b) of this section and such reimbursement 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.

49 Stat. 774.

“(d) Any funds made available under subsection (b) or (c) of this section shall not be subject to the State matching provisions of section 7 of this Act.”

60 Stat. 232;
86 Stat. 731.
42 USC 1756.

SPECIAL SUPPLEMENTAL FOOD PROGRAM EXTENSION

SEC. 6. (a) The first sentence of section 17(a) of the Child Nutrition Act of 1966 is amended by striking out “and June 30, 1974,” and inserting in lieu thereof the following: “June 30, 1974, and June 30, 1975,”; and by inserting after the word “State” each place it occurs the following: “; Indian tribe, band, or group recognized by the Department of the Interior; or the Indian Health Service of the Department of Health, Education, and Welfare”. The second sentence of such section 17(a) is amended by striking out “two-year” and inserting in lieu thereof “three-year”.

86 Stat. 729.
42 USC 1786.

(b) Section 17(b) of such Act is amended by inserting immediately after the second sentence thereof the following: “In order to carry out such program during the fiscal year ending June 30, 1975, there is authorized to be appropriated the sum of \$40,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1974, the Secretary shall use \$40,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and \$40,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(e)).”

49 Stat. 774.

(c) The second sentence of section 17(e) of such Act is amended by striking out “October 1, 1973” and “March 30, 1974” and inserting in lieu thereof “October 1, 1974” and “March 30, 1975”, respectively.

ELIGIBILITY FOR SPECIAL MILK PROGRAM

SEC. 7. Section 3 of the Child Nutrition Act of 1966 is amended by adding at the end thereof the following: “Any school or nonprofit child care institution shall receive the special milk program upon their request. Children that qualify for free lunches under guidelines set forth by the Secretary shall also be eligible for free milk.”

84 Stat. 336.
42 USC 1772.

NATIONAL ADVISORY COUNCIL

84 Stat. 213.
42 USC 1763.

SEC. 8. Section 14 of the National School Lunch Act is amended as follows:

(1) In subsection (a) strike the word "thirteen" and insert the word "fifteen" and insert after the phrase "(or the equivalent thereof)," the first time it appears the following: "one member shall be a supervisor of a school lunch program in a school system in an urban area (or the equivalent thereof), one member shall be a supervisor of a school lunch program in a school system in a rural area."

(2) The first sentence of subsection (b) is amended by striking out "nine" and inserting in lieu thereof "eleven", and by striking "such" and inserting "the nine".

(3) In subsection (e), strike the word "Seven" and insert in lieu thereof the word "Eight".

INCOME GUIDELINES FOR REDUCED PRICE LUNCHES

86 Stat. 726.
42 USC 1758.

SEC. 9. Section 9(b) of the National School Lunch Act is amended by adding the following at the end of said subsection: "*Provided further, That, for the fiscal year ending June 30, 1974, State educational agencies are authorized to establish income guidelines for reduced price lunches at not more than 75 per centum above the applicable family size income levels in the income poverty guidelines as prescribed by the Secretary.*"

COMPREHENSIVE STUDY OF BENEFITS OF PROGRAMS

60 Stat. 230.
42 USC 1751
note.
80 Stat. 885.
42 USC 1771
note.

Report to
Congress.

SEC. 10. The Secretary of Agriculture is authorized and directed to carry out a comprehensive study to determine if the benefits of programs carried out under the National School Lunch Act and Child Nutrition Act are accruing to the maximum extent possible to all of the nation's school children, including a study to determine if those most in need are receiving free lunches, and to determine if significant regional cost differentials exist in Alaska and other States so as to require additional reimbursement. The Secretary shall report his findings, together with any recommendations he may have with respect to additional legislation, to the Congress no later than June 30, 1974. The Secretary shall consider any recommendations made by the Department of Health, Education, and Welfare, the General Accounting Office, the National Advisory Council on Child Nutrition, and interested professional organizations or individuals in the field of child care and nutrition. Alternatives to the present structure, including but not limited to the universal feeding program, shall be included in the study.

PAYMENTS TO LOCAL EDUCATIONAL AGENCIES UNDER PUBLIC LAW 874,
EIGHTY-FIRST CONGRESS

82 Stat. 1097.
20 USC 240.

Effective date.

SEC. 11. Section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress), shall not operate to deprive any local educational agency of payments under such Act during the fiscal year ending June 30, 1974, if such local educational agency is in a State which after June 30, 1972, has adopted a program of State aid for free public education which is designed to equalize expenditures for education among local educational agencies in that State. This section shall be effective on and after July 1, 1973, and shall be deemed to have been enacted on June 30, 1973.

Approved November 7, 1973.