

(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

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1792.	Promoting Federal food donation.
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#### § 1771. Congressional declaration of purpose

In recognition of the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn, based on the years of cumulative successful experience under the national school lunch program with its significant contributions in the field of applied nutrition research, it is hereby declared to be the policy of Congress that these efforts shall be extended, expanded, and strengthened under the authority of the Secretary of Agriculture as a measure to safeguard the health and well-being of the Nation's children, and to encourage the domestic consumption of agricultural and other foods, by assisting States, through grants-in-aid and other means, to meet more effectively the nutritional needs of our children.

(Pub. L. 89-642, §2, Oct. 11, 1966, 80 Stat. 885.)

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE OF 2022 AMENDMENT

Pub. L. 117-129, §1, May 21, 2022, 136 Stat. 1225, provided that: "This Act [amending section 1786 of this title] may be cited as the 'Access to Baby Formula Act of 2022'."

##### SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-247, §1, June 20, 2008, 122 Stat. 2314, provided that: "This Act [enacting section 1792 of this title and provisions set out as notes under section 1792 of this title] may be cited as the 'Federal Food Donation Act of 2008'."

##### SHORT TITLE OF 1992 AMENDMENTS

Pub. L. 102-512, §1, Oct. 24, 1992, 106 Stat. 3363, provided that: "This Act [amending sections 1769, 1776, and 1776 of this title and enacting provisions set out as notes under this section and sections 1769 and 1786 of this title] may be cited as the 'Children's Nutrition Assistance Act of 1992'."

Pub. L. 102-512, title I, §101, Oct. 24, 1992, 106 Stat. 3363, provided that: "This title [amending sections 1769 and 1776 of this title and enacting provisions set out as a note under section 1769 of this title] may be cited as the 'Homeless Children's Assistance Act of 1992'."

Pub. L. 102-512, title II, §201, Oct. 24, 1992, 106 Stat. 3364, provided that: "This title [amending section 1786 of this title and enacting provisions set out as notes under section 1786 of this title] may be cited as the 'WIC Infant Formula Procurement Act of 1992'."

Pub. L. 102-314, §1, July 2, 1992, 106 Stat. 280, provided that: "This Act [amending section 1786 of this title and enacting provisions set out as notes under section 1786 of this title] may be cited as the 'WIC Farmers' Market Nutrition Act of 1992'."

##### SHORT TITLE

Pub. L. 89-642, §1, Oct. 11, 1966, 80 Stat. 885, provided: "That this Act [enacting this chapter] may be cited as the 'Child Nutrition Act of 1966'."

**§ 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**

(a)(1) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each succeeding fiscal year, such sums as may be necessary to enable the Secretary of Agriculture, under such rules and regulations as the Secretary may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (A) nonprofit schools of high school grade and under, except as provided in paragraph (2), which do not participate in a meal service program authorized under this chapter or the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.], and (B) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children, which do not participate in a meal service program authorized under this chapter or the Richard B. Russell National School Lunch Act.

(2) The limitation imposed under paragraph (1)(A) for participation of nonprofit schools in the special milk program shall not apply to split-session kindergarten programs conducted in schools in which children do not have access to the meal service program operating in schools the children attend as authorized under this chapter or the Richard B. Russell National School Lunch Act.

(3) For the purposes of this section "United States" means the fifty States, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the District of Columbia.

(4) The Secretary shall administer the special milk program provided for by this section to the maximum extent practicable in the same manner as the Secretary administered the special milk program provided for by this chapter during the fiscal year ending June 30, 1969.

(5) Any school or nonprofit child care institution which does not participate in a meal service program authorized under this chapter or the Richard B. Russell National School Lunch Act shall receive the special milk program upon its request.

(6) Children who qualify for free lunches under guidelines set forth by the Secretary shall, at the option of the school involved (or of the local educational agency involved in the case of a public school) be eligible for free milk upon their request.

(7) For the fiscal year ending June 30, 1975, and for subsequent school years, the minimum rate of reimbursement for a half-pint of milk served in schools and other eligible institutions shall not be less than 5 cents per half-pint served to eligible children, and such minimum rate of reimbursement shall be adjusted on an annual basis each school year to reflect changes in the Producer Price Index for Fresh Processed Milk published by the Bureau of Labor Statistics of the Department of Labor.

(8) Such adjustment shall be computed to the nearest one-fourth cent.

(9) Notwithstanding any other provision of this section, in no event shall the minimum rate of reimbursement exceed the cost to the school or institution of milk served to children.

(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.

(b) Commodity only schools shall not be eligible to participate in the special milk program under this section. For the purposes of the preceding sentence, the term "commodity only schools" means schools that do not participate in the school lunch program under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.], but which receive commodities made available by the Secretary for use by such schools in nonprofit lunch programs.

(Pub. L. 89-642, § 3, Oct. 11, 1966, 80 Stat. 885; Pub. L. 91-295, June 30, 1970, 84 Stat. 336; Pub. L. 93-150, § 7, Nov. 7, 1973, 87 Stat. 563; Pub. L. 93-347, § 3, July 12, 1974, 88 Stat. 341; Pub. L. 94-105, § 15(a), Oct. 7, 1975, 89 Stat. 522; Pub. L. 95-166, §§ 11, 20(1), (2), Nov. 10, 1977, 91 Stat. 1337, 1346; Pub. L. 95-627, § 5(a), Nov. 10, 1978, 92 Stat. 3619; Pub. L. 96-499, title II, § 209, Dec. 5, 1980, 94 Stat. 2602; Pub. L. 97-35, title VIII, §§ 807, 813(c), Aug. 13, 1981, 95 Stat. 527, 530; Pub. L. 99-500, title III, § 329, Oct. 18, 1986, 100 Stat. 1783-362, and Pub. L. 99-591, title III, § 329, Oct. 30, 1986, 100 Stat. 3341-365; Pub. L. 99-661, div. D, title II, § 4209, Nov. 14, 1986, 100 Stat. 4073; Pub. L. 101-147, title II, § 211, title III, § 321, Nov. 10, 1989, 103 Stat. 911, 916; Pub. L. 104-193, title VII, § 721, Aug. 22, 1996, 110 Stat. 2301; Pub. L. 106-78, title VII, § 752(b)(16), Oct. 22, 1999, 113 Stat. 1170.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subsecs. (a)(1), (2), (5) and (b), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of this title and Tables.

##### CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

##### AMENDMENTS

1999—Pub. L. 106-78 substituted "Richard B. Russell National School Lunch Act" for "National School Lunch Act" wherever appearing.

1996—Subsec. (a)(3). Pub. L. 104-193 substituted "the Commonwealth of the Northern Mariana Islands" for "the Trust Territory of the Pacific Islands".

1989—Subsec. (a). Pub. L. 101-147, § 211(a), amended subsec. (a) as identically amended by Pub. L. 99-591, § 329, and Pub. L. 99-661, § 4209, to read as if only the