

food service programs for children is assigned to the Department of Agriculture. To the extent practicable, other Federal agencies administering programs under which funds are to be provided to schools for such assistance shall transfer such funds to the Department of Agriculture for distribution through the administrative channels and in accordance with the standards established under this chapter and the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.].

(Pub. L. 89-642, §13, Oct. 11, 1966, 80 Stat. 889; 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 text, 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.

##### AMENDMENTS

1999—Pub. L. 106-78 substituted “Richard B. Russell National School Lunch Act” for “National School Lunch Act”.

#### § 1783. Appropriations for administrative expense

There are hereby authorized to be appropriated for any fiscal year such sums as may be necessary to the Secretary for the Secretary’s administrative expense under this chapter.

(Pub. L. 89-642, §14, Oct. 11, 1966, 80 Stat. 889; Pub. L. 101-147, title III, §324, Nov. 10, 1989, 103 Stat. 917.)

#### Editorial Notes

##### AMENDMENTS

1989—Pub. L. 101-147 inserted “Appropriations for administrative expense” as section catchline and substituted “are hereby” for “is hereby” and “the Secretary’s” for “his”.

#### § 1784. Definitions

For the purposes of this chapter—

(1) “State” means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

(2) “State educational agency” means, as the State legislature may determine, (A) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (B) a board of education controlling the State department of education.

(3) “School” means (A) any public or nonprofit private school of high school grade or under, including kindergarten and preschool programs operated by such school, and (B) any public or licensed nonprofit private residential child care institution (including, but not limited to, orphanages and homes for the mentally retarded, but excluding Job Corps Centers funded by the Department of Labor). For

purposes of clauses (A) and (B) of this paragraph, the term “nonprofit”, when applied to any such private school or institution, means any such school or institution which is exempt from tax under section 501(c)(3) of title 26.

(4) “Secretary” means the Secretary of Agriculture.

(5) “School year” means the annual period from July 1 through June 30.

(6) Except as used in section 1786 of this title, the terms “child” and “children” as used in this chapter, shall be deemed to include persons regardless of age who are determined by the State educational agency, in accordance with regulations prescribed by the Secretary, to have 1 or more disabilities and who are attending any nonresidential public or nonprofit private school of high school grade or under for the purpose of participating in a school program established for individuals with disabilities.

(7) **DISABILITY.**—The term “disability” has the meaning given the term in the Rehabilitation Act of 1973 for purposes of title II of that Act (29 U.S.C 760 et seq.).

(Pub. L. 89-642, §15, Oct. 11, 1966, 80 Stat. 889; Pub. L. 94-105, §§15(c), 17(b), Oct. 7, 1975, 89 Stat. 522, 525; Pub. L. 95-166, §20(5), Nov. 10, 1977, 91 Stat. 1346; Pub. L. 95-627, §10(c), (d)(3), Nov. 10, 1978, 92 Stat. 3624; Pub. L. 96-499, title II, §212, Dec. 5, 1980, 94 Stat. 2603; Pub. L. 97-35, title VIII, §808(b), Aug. 13, 1981, 95 Stat. 527; Pub. L. 99-500, title III, §325(b), Oct. 18, 1986, 100 Stat. 1783-361, and Pub. L. 99-591, title III, §325(b), Oct. 30, 1986, 100 Stat. 3341-365; Pub. L. 99-661, div. D, title II, §4205(b), Nov. 14, 1986, 100 Stat. 4072; Pub. L. 100-71, title I, §101(b), July 11, 1987, 101 Stat. 430; Pub. L. 101-147, title III, §325, Nov. 10, 1989, 103 Stat. 917; Pub. L. 104-193, title VII, §727, Aug. 22, 1996, 110 Stat. 2302; Pub. L. 105-336, title I, §107(j)(3)(D), Oct. 31, 1998, 112 Stat. 3153.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Rehabilitation Act of 1973, referred to in par. (7), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. Title II of the Act is classified generally to subchapter II (§760 et seq.) of chapter 16 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

##### CODIFICATION

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

##### AMENDMENTS

1998—Par. (6). Pub. L. 105-336, §107(j)(3)(D)(i), substituted “disabilities” for “mental or physical handicaps” in two places.

Par. (7). Pub. L. 105-336, §107(j)(3)(D)(ii), added par. (7).

1996—Par. (1). Pub. L. 104-193, §727(1), substituted “the Commonwealth of the Northern Mariana Islands” for “Trust Territory of the Pacific Islands”.

Par. (3). Pub. L. 104-193, §727(2), inserted “and” before “(B)” and struck out “, and (C) with respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico” before “. For purposes of clauses (A) and (B)”.

1989—Pub. L. 101-147 redesignated subsecs. (a) through (f) as pars. (1) through (6), respectively, in par. (2) re-

designated former pars. (1) and (2) as subpars. (A) and (B), respectively, in par. (3) substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954", which for purposes of codification was translated as "title 26" thus requiring no change in text, and in par. (6) substituted "to have 1 or more mental or physical handicaps" for "to be mentally or physically handicapped" and "for individuals with mental or physical handicaps" for "for mentally or physically handicapped".

1987—Subsec. (c). Pub. L. 100-71 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "'School' means (A) any public or nonprofit private school of high school grade or under, including kindergarten and preschool programs operated by such school, (B) any public or licensed nonprofit private residential child care institution (including, but not limited to, orphanages and homes for the mentally retarded, but excluding Job Corps Centers funded by the Department of Labor), and (C) with respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico. For purposes of clauses (A) and (B) of this subsection, the term 'nonprofit', when applied to any such private school or institution, means any such school or institution which is exempt from tax under section 501(c)(3) of title 26. On July 1, 1988, and each July 1 thereafter, the Secretary shall adjust the tuition limitation amount prescribed in clause (A) of the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent 12-month period for which the data is available."

1986—Subsec. (c). Pub. L. 99-661, § 4205(b)(2), inserted "On July 1, 1988, and on each July 1 thereafter, the Secretary shall adjust the tuition limitation amount prescribed in clause (A) of the first sentence of this paragraph to reflect the changes in the Consumer Price Index for All Urban Consumers during the most recent 12-month period for which the data is available."

Subsec. (c)(A). Pub. L. 99-500 and Pub. L. 99-591, which directed the amendment of subpar. (A) by striking out "except private schools whose average yearly tuition exceeds \$1,500 per child," after "such school" was executed by striking out "except private schools whose average yearly tuition exceeds \$2,000 per child," after "such school" to reflect the probable intent of Congress and the intervening amendment of subpar. (A) by Pub. L. 99-661, § 4205(b)(2). See below.

Pub. L. 99-661, § 4205(b)(1), substituted "\$2,000" for "\$1,500".

1981—Subsec. (c). Pub. L. 97-35 inserted exception for private schools whose average yearly tuition exceeds \$1,500.

1980—Subsec. (c). Pub. L. 96-499 inserted ", but excluding Job Corps Centers funded by the Department of Labor" after "mentally retarded".

1978—Subsec. (e). Pub. L. 95-627, § 10(c), substituted "from July 1 through June 30" for "determined in accordance with regulations issued by the Secretary".

Subsec. (f). Pub. L. 95-627, § 10(d)(3), added subsec. (f).

1977—Subsec. (e). Pub. L. 95-166 added subsec. (e).

1975—Subsec. (a). Pub. L. 94-105, § 15(c), included Trust Territory of Pacific Islands in definition of "State".

Subsecs. (c) to (e). Pub. L. 94-105, § 17(b), struck out subsec. (c) which defined "Nonprofit private school" as any private school exempt from income tax under section 501(c)(3) of title 26, redesignated subsecs. (d) and (e) as (c) and (d) respectively, and in subsec. (c) as so redesignated, inserted definition of "School" any public or licensed nonprofit private residential child care institution (including, but not limited to, orphanages and homes for the mentally retarded), and provision defining "nonprofit" as an exemption under section 501(c)(3) of title 26.

#### Statutory Notes and Related Subsidiaries

##### 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 OF 1987 AMENDMENT

Amendment by Pub. L. 100-71 effective July 1, 1987, see section 101(c) of Pub. L. 100-71, set out as a note under section 1760 of this title.

##### EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by section 4205(b)(1) of Pub. L. 99-661 applicable for fiscal year beginning Oct. 1, 1986, and each school year thereafter, and amendment by section 4205(b)(2) of Pub. L. 99-661 applicable for school year beginning July 1, 1988, and each school year thereafter, see section 4205(c) of Pub. L. 99-661, set out as a note under section 1760 of this title.

Amendment by Pub. L. 99-500 and Pub. L. 99-591 effective July 1, 1987, see section 325(c) of Pub. L. 99-500 and Pub. L. 99-591, set out as a note under section 1760 of this title.

##### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, see section 820(a)(3) of Pub. L. 97-35, set out as a note under section 1753 of this title.

##### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-627 effective Oct. 1, 1978, see section 14 of Pub. L. 95-627, set out as a note under section 1755 of this title.

##### EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95-166, § 20, Nov. 10, 1977, 91 Stat. 1346, provided that the amendment made by that section is effective July 1, 1977.

#### § 1785. Accounts and records; availability for inspection; authority to settle, adjust, or waive claims

(a) States, State educational agencies, schools, and nonprofit institutions participating in programs under this chapter shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this chapter and the regulations hereunder. Such accounts and records shall be available at any reasonable time for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of three years, as the Secretary determines is necessary.

(b) With regard to any claim arising under this chapter or under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.], the Secretary shall have the authority to determine the amount of, to settle and to adjust any such claim, and to compromise or deny such claim or any part thereof. The Secretary shall also have the authority to waive such claims if the Secretary determines that to do so would serve the purposes of either this chapter or the Richard B. Russell National School Lunch Act. Nothing contained in this subsection shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28 to conduct litigation on behalf of the United States.

(Pub. L. 89-642, § 16, Oct. 11, 1966, 80 Stat. 890; Pub. L. 97-35, title VIII, § 816, Aug. 13, 1981, 95 Stat. 531; Pub. L. 104-193, title VII, § 728, Aug. 22, 1996, 110 Stat. 2302; 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 subsec. (b), is act June 4, 1946, ch. 281, 60