

H. R. 8

AN ACT

To amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such Acts through the fiscal year 1998.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Healthy Meals for Healthy Americans Act of 1994”.

6 (b) TABLE OF CONTENTS.—The table of contents is
7 as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Sense of the Congress.

TITLE I—AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

- Sec. 101. Direct Federal expenditures.
- Sec. 102. Technical assistance to ensure compliance with nutritional requirements under the school lunch program, the summer food service program for children, and the child and adult care food program.
- Sec. 103. Nutritional and other program requirements.
- Sec. 104. Special assistance for schools electing to serve all children free lunches or breakfasts.
- Sec. 105. Establishment of universal school lunch and breakfast pilot program.
- Sec. 106. Miscellaneous provisions and definitions.
- Sec. 107. Summer food service program for children.
- Sec. 108. Commodity distribution program.
- Sec. 109. Child and adult care food program.
- Sec. 110. Homeless children nutrition program.

- Sec. 111. Pilot projects.
- Sec. 112. Reduction of paperwork.
- Sec. 113. Extension of Food Service Management Institute.
- Sec. 114. Duties of the Secretary of Agriculture relating to nonprocurement debarment under certain child nutrition programs.

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

- Sec. 201. School breakfast program.
- Sec. 202. State administrative expenses.
- Sec. 203. Special supplemental nutrition program.
- Sec. 204. Nutrition education and training.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Consolidation of school lunch program and school breakfast program into comprehensive meal program.
- Sec. 302. Study and report relating to use of private food establishments and caterers under school lunch program and school breakfast program.
- Sec. 303. Report relating to unified accountability system under National School Lunch Act.
- Sec. 304. Amendment to Commodity Distribution Reform Act and WIC Amendments of 1987.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) undernutrition along with environmental
4 factors associated with poverty can permanently re-
5 tard physical growth, brain development, and cog-
6 nitive functioning of children;

7 (2) the longer a child's nutritional, emotional,
8 and educational needs go unmet, the greater the
9 likelihood of cognitive impairment;

10 (3) low-income children who attend school hun-
11 gry score significantly lower on standardized tests
12 than non-hungry low-income children; and

13 (4) supplemental nutrition programs under the
14 National School Lunch Act (42 U.S.C. 1751 et seq.)

1 and the Child Nutrition Act of 1966 (42 U.S.C.
2 1771 et seq.) can help to offset threats posed to a
3 child's capacity to learn and perform in school which
4 results from inadequate nutrient intake.

5 **SEC. 3. SENSE OF THE CONGRESS.**

6 It is the sense of the Congress that—

7 (1) funds should be made available for child nu-
8 trition programs to remove barriers to the participa-
9 tion of needy children in the school lunch program,
10 school breakfast program, summer food service pro-
11 gram for children, and the child and adult care food
12 program under the National School Lunch Act (42
13 U.S.C. 1751 et seq.) and the Child Nutrition Act of
14 1966 (42 U.S.C. 1771 et seq.);

15 (2) the Secretary of Agriculture should take ac-
16 tions to further strengthen the efficiency of child nu-
17 trition programs by streamlining administrative re-
18 quirements to reduce the administrative burden on
19 participating schools and other meal providers; and

20 (3) as a part of efforts to continue to serve nu-
21 tritious meals to youths in the United States and to
22 educate the general public regarding health and nu-
23 trition issues, the Secretary of Agriculture should
24 take actions to coordinate the nutrition education ef-
25 forts of all nutrition programs.

1 **TITLE I—AMENDMENTS TO**
2 **NATIONAL SCHOOL LUNCH ACT**

3 **SEC. 101. DIRECT FEDERAL EXPENDITURES.**

4 (a) PURCHASE OF FRESH FRUITS AND VEGETA-
5 BLES.—Section 6(a) of the National School Lunch Act (42
6 U.S.C. 1755(a)) is amended—

7 (1) in the second sentence, by striking “Any
8 school” and inserting “Except as provided in the
9 next two sentences, any school”; and

10 (2) by inserting after the second sentence the
11 following new sentences: “Any school may refuse
12 some or all of the fresh fruits and vegetables offered
13 to such school in any school year and may receive
14 in lieu thereof any other commodities for such school
15 year if (1) such school purchases fresh fruits and
16 vegetables for such school year which are at least
17 equal in value to the fresh fruits and vegetables re-
18 fused by such school; and (2) the fresh fruits and
19 vegetables purchased under paragraph (1) are in ad-
20 dition to any purchase of fresh fruits and vegetables
21 that would otherwise have been made by such school
22 for such school year. The value of any fresh fruits
23 and vegetables refused by a school under the preced-
24 ing sentence for a school year shall not be included
25 in the calculation to determine the 20 percent of the

1 total value of agricultural commodities and other
2 foods tendered to such school in such school year
3 under the second sentence of this subsection.”.

4 (b) REQUIREMENT OF MINIMUM PERCENTAGE OF
5 COMMODITY ASSISTANCE.—Section 6 of such Act (42
6 U.S.C. 1755) is amended by adding at the end the follow-
7 ing new subsection:

8 “(g)(1) Subject to paragraph (2), in each school year
9 the Secretary shall ensure that not less than 12 percent
10 of the assistance provided under section 4, this section,
11 and section 11 of this Act shall be in the form of commod-
12 ities provided under this section.

13 “(2) If amounts available to carry out the require-
14 ments of the sections described in paragraph (1) are insuf-
15 ficient to meet the requirement contained in such para-
16 graph for a school year, the Secretary shall, to the extent
17 necessary, use the authority provided under section 14(a)
18 of this Act to meet such requirement for such school
19 year.”.

1 **SEC. 102. TECHNICAL ASSISTANCE TO ENSURE COMPLI-**
2 **ANCE WITH NUTRITIONAL REQUIREMENTS**
3 **UNDER THE SCHOOL LUNCH PROGRAM, THE**
4 **SUMMER FOOD SERVICE PROGRAM FOR**
5 **CHILDREN, AND THE CHILD AND ADULT**
6 **CARE FOOD PROGRAM.**

7 (a) SCHOOL LUNCH PROGRAM.—Section 9(a)(1) of
8 the National School Lunch Act (42 U.S.C. 1758(a)(1))
9 is amended—

10 (1) by striking “(1) Lunches served by schools”
11 and inserting “(1)(A) Lunches served by schools”;
12 and

13 (2) by adding at the end the following new sub-
14 paragraph:

15 “(B) The Secretary shall provide technical assistance
16 to those schools participating in the school lunch program
17 under this Act to assist such schools in complying with
18 the nutritional requirements prescribed by the Secretary
19 pursuant to subparagraph (A). The Secretary shall pro-
20 vide additional technical assistance to those schools that
21 are having difficulty maintaining compliance with such re-
22 quirements.”.

23 (b) SUMMER FOOD SERVICE PROGRAM FOR CHIL-
24 DREN.—Section 13(f) of such Act (42 U.S.C. 1761(f)) is
25 amended—

1 (1) by adding after the first sentence the follow-
2 ing new sentences: “The Secretary shall provide
3 technical assistance to service institutions and pri-
4 vate nonprofit organizations participating in the pro-
5 gram to assist such institutions and organizations in
6 complying with the nutritional requirements pre-
7 scribed by the Secretary pursuant to this subpara-
8 graph. The Secretary shall provide additional tech-
9 nical assistance to those service institutions and pri-
10 vate nonprofit organizations that are having dif-
11 ficulty maintaining compliance with such require-
12 ments.”; and

13 (2) in the fourth sentence (as amended by para-
14 graph (1)), by striking “Such meals” and inserting
15 “Meals described in the first sentence”.

16 (c) CHILD AND ADULT CARE FOOD PROGRAM.—Sec-
17 tion 17(g)(1) of such Act (42 U.S.C. 1766(g)(1)) is
18 amended—

19 (1) by striking “(1) Meals served by institu-
20 tions” and inserting “(1)(A) Meals served by institu-
21 tions”; and

22 (2) by adding at the end the following new sub-
23 paragraph:

24 “(B) The Secretary shall provide technical assistance
25 to those institutions participating in the program under

1 this section to assist such institutions and family or group
2 day care home sponsoring organizations in complying with
3 the nutritional requirements prescribed by the Secretary
4 pursuant to subparagraph (A). The Secretary shall pro-
5 vide additional technical assistance to those institutions
6 and family or group day care home sponsoring organiza-
7 tions that are having difficulty maintaining compliance
8 with such requirements.”.

9 **SEC. 103. NUTRITIONAL AND OTHER PROGRAM REQUIRE-**
10 **MENTS.**

11 (a) MINIMUM NUTRITIONAL REQUIREMENTS BASED
12 ON WEEKLY AVERAGE OF NUTRIENT CONTENT OF
13 SCHOOL LUNCHES.—Section 9(a)(1)(A) of the National
14 School Lunch Act (42 U.S.C. 1758(a)(1)(A)) (as amended
15 by section 102(a)) is further amended—

16 (1) by striking “; except that such minimum
17 nutritional requirements” and inserting “, except
18 that—

19 “(i) such minimum nutritional requirements”;

20 (2) by striking the period at the end and insert-
21 ing “; and”; and

22 (3) by adding at the end the following new
23 clause:

1 “(ii) such minimum nutritional requirements
2 shall, at a minimum, be based on the weekly average
3 of the nutrient content of school lunches.”.

4 (b) NUTRITIONAL REQUIREMENTS RELATING TO
5 PROVISION OF MILK.—Section 9(a)(2) of such Act (42
6 U.S.C. 1758(a)(2)) is amended to read as follows:

7 “(2) Lunches served by schools participating in the
8 school lunch program under this Act—

9 “(A) shall offer students fluid milk; and

10 “(B) shall offer students a variety of fluid milk
11 consistent with prior year demonstrated preferences
12 unless the prior year preference for any such variety
13 of fluid milk is less than 1 percent of the total milk
14 consumed at the school.”.

15 (c) INCREASED FLEXIBILITY RELATING TO USE OF
16 INFORMATION SUBMITTED TO DETERMINE ELIGIBILITY
17 UNDER PROGRAMS UNDER NATIONAL SCHOOL LUNCH
18 ACT AND CHILD NUTRITION ACT OF 1966.—Section
19 9(b)(5) of such Act (42 U.S.C. 1758(b)(5)) is amended
20 by adding at the end the following new sentences: “Except
21 as provided in the next sentence, a local agency responsible
22 for administering programs under this Act or the Child
23 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall use
24 information submitted for the purpose of receiving bene-
25 fits under such programs only for the purpose of determin-

1 ing eligibility for such benefits. Such local agency may use
2 such eligibility determination to demonstrate the eligibility
3 for benefits under other Federal, State, or local means-
4 tested nutrition programs with comparable eligibility
5 standards.”.

6 (d) AUTOMATIC ELIGIBILITY OF HEAD START PAR-
7 TICIPANTS.—

8 (1) IN GENERAL.—The National School Lunch
9 Act (42 U.S.C. 1751 et seq.) is amended—

10 (A) in section 9(b)(6)(A) (42 U.S.C.
11 1758(b)(6)(A))—

12 (i) in the matter preceding clause (i),
13 by striking “a member of”;

14 (ii) in clause (i)—

15 (I) by inserting “a member of”
16 after “(i)”; and

17 (II) by striking “or” at the end
18 of the clause;

19 (iii) in clause (ii)—

20 (I) by inserting “a member of”
21 after “(ii)”; and

22 (II) by striking the period at the
23 end of the clause and inserting “; or”;
24 and

1 (iv) by adding at the end the following
2 new clause:

3 “(iii) enrolled as a participant in a Head Start
4 program authorized under the Head Start Act (42
5 U.S.C. 9831 et seq.), on the basis of a determination
6 that the child is a member of a family that meets
7 the low-income criteria prescribed under section
8 645(a)(1)(A) of the Head Start Act (42 U.S.C.
9 9840(a)(1)(A)).”;

10 (B) in section 9(b)(6)(B) (42 U.S.C.
11 1758(b)(6)(B)), by striking “food stamps or aid
12 to families with dependent children” and insert-
13 ing “food stamps, aid to families with depend-
14 ent children, or enrollment or participation in
15 the Head Start program on the basis described
16 in subparagraph (A)(iii)”;

17 (C) in section 17(c) (42 U.S.C. 1766(c)),
18 by adding at the end the following new para-
19 graph:

20 “(5) A child shall be considered automatically eligible
21 for benefits under this section without further application
22 or eligibility determination, if the child is enrolled as a
23 participant in a Head Start program authorized under the
24 Head Start Act (42 U.S.C. 9831 et seq.), on the basis
25 of a determination that the child is a member of a family

1 that meets the low-income criteria prescribed under sec-
2 tion 645(a)(1)(A) of the Head Start Act (42 U.S.C.
3 9840(a)(1)(A)).”.

4 (2) EFFECTIVE DATE.—The amendments made
5 by paragraph (1) shall take effect on October 1,
6 1995.

7 (e) DOCUMENTATION OF PRODUCTION PLANS.—Sec-
8 tion 9 of such Act (42 U.S.C. 1758) is amended by adding
9 at the end the following new subsection:

10 “(f)(1) The Secretary shall clarify that the primary
11 need for documentation of production plans is to serve as
12 a basis for ensuring that the meals under the school lunch
13 program meet the nutrient needs of the children to be
14 served under such program. The State shall determine
15 whether existing records are adequate to ensure that the
16 objective of the preceding sentence is met.

17 “(2) The Secretary shall clarify the need for internal
18 controls in developing a claim for reimbursement under
19 the school lunch program.”.

20 (f) SEAFOOD PRODUCTION REQUIREMENTS.—Sec-
21 tion 9 of such Act (42 U.S.C. 1758) (as amended by sub-
22 section (e)) is further amended by adding at the end the
23 following new subsection:

1 “(g)(1) The Secretary shall purchase fish and fish
2 products for distribution under section 14 only if such fish
3 and fish products are—

4 “(A) produced in compliance with the continu-
5 ous official establishment and product inspection of
6 the National Marine Fisheries Service; or

7 “(B) produced in compliance with the hazard
8 analysis critical control point requirements promul-
9 gated by the Secretary of Health and Human Serv-
10 ices, beginning on the date of the implementation of
11 such requirements.

12 “(2) Beginning on and after the date of the imple-
13 mentation of the requirements described in paragraph
14 (1)(B), the Secretary shall ensure that fish and fish prod-
15 ucts purchased by schools participating in the school lunch
16 program are produced in compliance with such require-
17 ments.”.

18 **SEC. 104. SPECIAL ASSISTANCE FOR SCHOOLS ELECTING**
19 **TO SERVE ALL CHILDREN FREE LUNCHES OR**
20 **BREAKFASTS.**

21 Section 11(a)(1) of the National School Lunch Act
22 (42 U.S.C. 1759a(a)(1)) is amended—

23 (1) by striking “(a)(1) Except as provided” and
24 inserting “(a)(1)(A) Except as provided”;

1 (2) in the second sentence, by striking “In the
2 case of” and inserting—

3 “(B) In the case of”;

4 (3) in the third sentence—

5 (A) by striking “In the case of” and in-
6 sserting—

7 “(C)(i) Except as provided in clause (ii), in the case
8 of”; and

9 (B) by striking “(A)” and inserting “(I)”
10 and by striking “(B)” and inserting “(II)”;

11 (4) by adding at the end the following new
12 clause:

13 “(ii)(I)(aa) In the case of any school that, on the date
14 of the enactment of this clause, is serving all children in
15 that school free lunches under the school lunch program
16 in accordance with clause (i), special assistance payments
17 shall be paid to the State educational agency with respect
18 to such school for free lunches served to all children in
19 such school during a period of five consecutive years in
20 accordance with such clause.

21 “(bb) Any period of time in the current 3-year period
22 during which the school served free lunches to all children
23 in such school in accordance with clause (i) shall count
24 toward the 5-year period described in division (aa).

1 “(cc) The State may grant an extension to such
2 schools at the end of such 3-year period, only if the State
3 determines, through available socioeconomic data ap-
4 proved by the Secretary, that the income level of the popu-
5 lation of the school has remained stable. The State may
6 further use such data in subsequent 5-year periods to en-
7 sure that the income level of the population of the school
8 has remained stable.

9 “(II) A school described in subclause (I) may reapply
10 to the State at the end of a 5-year period described in
11 such subclause for the purpose of continuing to receive
12 special assistance payments in accordance with such
13 subclause for additional 5-year periods.”; and

14 (5) by further adding at the end the following
15 new subparagraph:

16 “(D) In the case of any school that (i) elects to serve
17 all children in that school free lunches under the school
18 lunch program during any period of 4 successive years,
19 or in the case of a school that serves both lunches and
20 breakfasts, elects to serve all children in that school free
21 lunches and free breakfasts under the school lunch pro-
22 gram and the school breakfast program during any period
23 of 4 successive years and (ii) pays, from sources other
24 than Federal funds, for the costs of serving such lunches
25 or breakfasts, as the case may be, which are in excess of

1 the value of assistance received under this Act and the
2 Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with
3 respect to the number of lunches or breakfasts served dur-
4 ing that period, total Federal cash reimbursements and
5 total commodity assistance shall be provided to the State
6 educational agency with respect to such school at a level
7 equal to the total Federal cash reimbursements and total
8 commodity assistance received by the school in the pre-
9 vious year, adjusted annually for changes in inflation in
10 accordance with paragraph (3)(B) and for changes in en-
11 rollment, to carry out the purposes of the school lunch
12 or school breakfast programs. The State may grant a re-
13 newal of the authority under the preceding sentence to
14 such schools at the end of such 4-year period, if the State
15 determines, through available socioeconomic data ap-
16 proved by the Secretary, that the income level of the popu-
17 lation of the school has remained consistent with the in-
18 come level of the population of the school in the year upon
19 which the total Federal reimbursement is based.”.

20 **SEC. 105. ESTABLISHMENT OF UNIVERSAL SCHOOL LUNCH**
21 **AND BREAKFAST PILOT PROGRAM.**

22 (a) IN GENERAL.—The National School Lunch Act
23 (42 U.S.C. 1751 et seq.) is amended by inserting after
24 section 11 the following new section:

1 **“SEC. 11A. UNIVERSAL SCHOOL LUNCH AND BREAKFAST**
2 **PILOT PROGRAM.**

3 “(a) IN GENERAL.—

4 “(1) ESTABLISHMENT.—Subject to the avail-
5 ability of appropriations to carry out this section,
6 the Secretary shall establish a universal school lunch
7 and breakfast pilot program (in this section referred
8 to as the ‘pilot program’).

9 “(2) DESCRIPTION.—The pilot program shall
10 consist of school lunch and breakfast service offered
11 without cost to all students in attendance at partici-
12 pating schools that wish to participate in a manner
13 consistent with the requirements otherwise applica-
14 ble to the school lunch program under this Act and
15 to the school breakfast program under section 4 of
16 the Child Nutrition Act of 1966.

17 “(3) ELIGIBILITY.—A school shall be eligible to
18 participate in the pilot program if the school meets
19 the following requirements:

20 “(A) At least 30 percent of all students
21 participating in the school lunch program at the
22 school are students who qualify for free or re-
23 duced price lunches.

24 “(B) At least 30 percent of all students
25 participating in the school breakfast program at

1 the school are students who qualify for free or
2 reduced price breakfasts.

3 “(b) APPLICATION.—

4 “(1) IN GENERAL.—A school may participate in
5 the pilot program only if such school submits to the
6 Secretary an application containing such information
7 as the Secretary may reasonably require.

8 “(2) CONTENTS.—Such application shall con-
9 tain a plan describing—

10 “(A) the additional amount over the most
11 recent prior year reimbursement amount re-
12 ceived under the school lunch program and the
13 school breakfast program (adjusted for inflation
14 and enrollment) that the school would need
15 from the Federal government to provide free
16 lunches and breakfasts under the pilot program;
17 and

18 “(B) the funding, if any, the school will re-
19 ceive from non-Federal sources to provide free
20 lunches and breakfasts under the pilot program.

21 “(c) UNIVERSAL PAYMENT RATE.—

22 “(1) IN GENERAL.—Subject to paragraphs (3)
23 and (4), in lieu of receiving the national average
24 payment per lunch determined under section 4 and
25 section 11, and the national average payment per

1 breakfast determined under section 4 of the Child
2 Nutrition Act of 1966, each school participating in
3 the universal program shall receive the universal
4 payment rates determined under paragraph (2) for
5 each lunch and breakfast served under the program.

6 “(2) ESTABLISHMENT.—Subject to paragraph
7 (3), the Secretary shall establish the universal pay-
8 ment rates for purposes of this section. Such rates
9 shall be equal to the national average cost of produc-
10 ing a school lunch, and the national average cost of
11 producing a school breakfast, respectively, as deter-
12 mined by the Secretary. In making the determina-
13 tion required by the preceding sentence, the Sec-
14 retary shall establish a maximum amount that can
15 be charged to a participating school food service au-
16 thority for indirect expenses.

17 “(3) COMMODITIES.—(A) Except as provided in
18 subparagraph (B), a school participating in the pilot
19 program shall receive commodities in an amount
20 equal to the amount the school received in the prior
21 year under the school lunch program under this Act
22 and under the school breakfast program under sec-
23 tion 4 of the Child Nutrition Act of 1966, adjusted
24 for inflation and fluctuations in enrollment.

1 “(B) Commodities required for the pilot pro-
2 gram in excess of the amount of commodities re-
3 ceived by the school in the prior year under the
4 school lunch program and the school breakfast pro-
5 gram may be funded from amounts appropriated to
6 carry out this section.

7 “(4) ADDITIONAL REQUIREMENTS.—(A) Except
8 as provided in subparagraph (B), a school partici-
9 pating in the pilot program shall receive a total Fed-
10 eral reimbursement under the school lunch program
11 and school breakfast program in an amount equal to
12 the Federal reimbursement rate for the school in the
13 prior year under each such program (adjusted for
14 inflation and fluctuations in enrollment).

15 “(B) Funds required for the pilot program in
16 excess of the level of reimbursement received by the
17 school in the prior year (adjusted for inflation and
18 fluctuations in enrollment) may be taken from any
19 non-Federal source or from amounts appropriated to
20 carry out this section. If funds required in addition
21 to funds under subparagraph (A) are not available
22 from non-Federal sources and no appropriations are
23 made for the pilot program, schools may not partici-
24 pate in the program.

1 “(d) COMPETITIVE FOODS POLICY.—A school par-
2 ticipating in the pilot program may sell competitive foods
3 under regulations issued by the Secretary.

4 “(e) PROHIBITION OF WAIVER TO PROVIDE LUNCH
5 AND BREAKFAST SERVICE WITHOUT COST.—Notwith-
6 standing any other provision of law, the Secretary may
7 not waive the requirement that the school will provide
8 lunch and breakfast service without cost to all students
9 at the school under the pilot program.

10 “(f) REPORTS.—

11 “(1) REPORTS TO THE SECRETARY.—The Sec-
12 retary shall require each school participating in the
13 pilot program to submit to the Secretary a report
14 containing the following information:

15 “(A) A comparison of the participation
16 rate of all students at the school in the pilot
17 program to the participation of students under
18 the school lunch program and the school break-
19 fast program.

20 “(B) A comparison of the quality of meals
21 served under the pilot program to the quality of
22 meals served under the school lunch program
23 and the school breakfast program.

24 “(C) An evaluation of the pilot program by
25 students, parents, and administrators.

1 “(D) The participation rate in the pilot
2 program of students who otherwise would be el-
3 igible for free and reduced price lunches and
4 breakfasts under the school lunch program or
5 the school breakfast program.

6 “(E) A comparison of the amount of ad-
7 ministrative costs under the program with the
8 amount of administrative costs under the school
9 lunch and school breakfast programs.

10 “(F) The reduction in paperwork under
11 the pilot program from the amount of paper-
12 work under the school lunch and school break-
13 fast programs at the school.

14 “(2) REPORTS TO THE CONGRESS.—

15 “(A) INTERIM REPORT.—Not later than
16 September 30, 1997, the Secretary shall submit
17 to the Congress an interim report containing—

18 “(i) a compilation of the information
19 received by the Secretary under paragraph
20 (1) as of this date from each school par-
21 ticipating in the pilot program; and

22 “(ii) an interim evaluation of the pro-
23 gram by the Secretary.

1 “(B) FINAL REPORT.—Not later than Sep-
2 tember 30, 1998, the Secretary shall submit to
3 the Congress a final report containing—

4 “(i) a compilation of the information
5 received by the Secretary under paragraph
6 (1) as of this date from each school par-
7 ticipating in the pilot program; and

8 “(ii) a final evaluation of the program
9 by the Secretary.

10 “(g) SELECTION REQUIREMENT.—To the extent
11 practicable, the Secretary shall select schools to partici-
12 pate in the pilot program in a manner which will provide
13 for an equitable distribution among the following types of
14 schools:

15 “(1) Urban and rural schools.

16 “(2) Elementary, middle, and high schools.

17 “(3) Low-, middle-, and high-income schools.

18 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 \$15,000,000 for each of the fiscal years 1995 through
21 1998.”.

22 (b) EFFECTIVE DATE.—The Secretary of Agriculture
23 shall issue regulations to carry out section 11A of the Na-
24 tional School Lunch Act (as added by subsection (a) of

1 this section) that provide for the implementation of such
2 section not later than July 1, 1995.

3 **SEC. 106. MISCELLANEOUS PROVISIONS AND DEFINITIONS.**

4 (a) TECHNICAL AMENDMENT TO DEFINITION OF
5 SCHOOL.—

6 (1) IN GENERAL.—Section 12(d)(5) of the Na-
7 tional School Lunch Act (42 U.S.C. 1760(d)(5)) is
8 amended—

9 (A) in the first sentence—

10 (i) in clause (A), by inserting “and”
11 at the end of such clause;

12 (ii) in clause (B), by striking “, and”
13 and inserting a period; and

14 (iii) by striking clause (C); and

15 (B) in the second sentence, by striking “of
16 clauses (A) and (B)”.

17 (2) EFFECTIVE DATE.—The amendments made
18 by paragraph (1) shall take effect on October 1,
19 1995.

20 (b) REIMBURSEMENT FOR MEALS, SUPPLEMENTS,
21 AND MILK UNDER CERTAIN PROGRAMS CONTINGENT
22 UPON TIMELY SUBMISSION OF CLAIMS AND FINAL PRO-
23 GRAM OPERATIONS REPORT.—Section 12 of such Act (42
24 U.S.C. 1760) is amended by adding at the end the follow-
25 ing new subsection:

1 “(j)(1) Except as provided in paragraph (2), the Sec-
2 retary may provide reimbursements for final claims for
3 service of meals, supplements, and milk submitted to State
4 agencies by eligible schools, summer camps, family day
5 care homes, institutions, and service institutions only if—

6 “(A) such claims have been submitted to such
7 State agencies not later than 60 days after the last
8 day of the month for which the reimbursement is
9 claimed; and

10 “(B) the final program operations report for
11 such month is submitted to the Secretary not later
12 than 90 days after the last day of such month.

13 “(2) The Secretary may waive the requirements con-
14 tained in paragraph (1) at the discretion of the Sec-
15 retary.”.

16 (c) REQUIREMENT OF NEGOTIATED RULEMAKING
17 PROCESS IN ISSUING REGULATIONS UNDER THE NA-
18 TIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION
19 ACT OF 1966.—Section 12 of such Act (42 U.S.C. 1760)
20 (as amended by subsection (b)) is further amended by
21 adding at the end the following new subsection:

22 “(k)(1) The Secretary is authorized to issue such reg-
23 ulations as are necessary to reasonably ensure that there
24 is compliance with this Act and the Child Nutrition Act
25 of 1966 (42 U.S.C. 1771 et seq.).

1 “(2)(A) Prior to publishing proposed regulations in
2 the Federal Register to carry out this Act and the Child
3 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (except
4 the special supplemental nutrition program under section
5 17 of such Act), the Secretary shall obtain the advice and
6 recommendations of representatives of Federal, State, and
7 local school administrators, school food service administra-
8 tors, other school food service personnel, parents, teachers,
9 industry representatives, public interest anti-hunger orga-
10 nizations, doctors specializing in pediatric nutrition, and
11 nutritionists involved with the implementation and oper-
12 ation of programs under this Act and the Child Nutrition
13 Act of 1966.

14 “(B) Such advice and recommendations may be ob-
15 tained through such mechanisms as regional meetings and
16 electronic exchanges of information. The Secretary shall
17 take into account such information in the development of
18 proposed regulations and shall publish a summary of such
19 information in the Federal Register together with such
20 proposed regulations.

21 “(C) After obtaining such advice and recommenda-
22 tions, and prior to publishing proposed regulations, the
23 Secretary shall—

24 “(i) establish a negotiated rulemaking process
25 on issues, including—

1 “(I) nutrition requirements and their im-
2 plementation; and

3 “(II) program compliance and accountabil-
4 ity requirements;

5 “(ii) select individuals to participate in such
6 process from among individuals or groups which pro-
7 vided advice and recommendations, with representa-
8 tion from all geographic regions (to the extent pos-
9 sible, the Secretary shall select individuals reflecting
10 the diversity in the program, including representa-
11 tives of both large and small programs, as well as
12 individuals serving urban and rural areas); and

13 “(iii) prepare a draft of proposed policy options
14 that shall be provided to the individuals selected by
15 the Secretary under clause (ii) not less than 45 days
16 prior to the first meeting under such process.

17 “(D) Such process—

18 “(i) shall be conducted in a timely manner to
19 ensure that final regulations are issued by the Sec-
20 retary not later than 240 days after the date of the
21 enactment of the Healthy Meals for Healthy Ameri-
22 cans Act of 1994; and

23 “(ii) shall not be subject to the Federal Advi-
24 sory Committee Act but shall otherwise follow the

1 provisions of the Negotiated Rulemaking Act of
2 1990 (5 U.S.C. 561 et seq.).

3 “(E) In an emergency situation in which regulations
4 to carry out this Act and the Child Nutrition Act of 1966
5 (42 U.S.C. 1771 et seq.) must be issued with a very lim-
6 ited time to assist State and local educational agencies
7 with the operation of the program, the Secretary may
8 issue proposed regulations without following such process
9 but shall, immediately thereafter and prior to issuing final
10 regulations, conduct regional meetings to review such pro-
11 posed regulations.”.

12 (d) AUTHORITY OF SECRETARY TO WAIVE STATU-
13 TORY AND REGULATORY REQUIREMENTS UNDER THE
14 NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRI-
15 TION ACT OF 1966.—Section 12 of such Act (42 U.S.C.
16 1760) (as amended by subsections (b) and (c)) is further
17 amended by adding at the end the following new sub-
18 section:

19 “(l)(1)(A) The Secretary may waive any requirement
20 under this Act or the Child Nutrition Act of 1966 (42
21 U.S.C. 1771 et seq.), or any regulation issued under such
22 Acts, for a State or eligible service provider that requests
23 a waiver if—

24 “(i) the Secretary determines that the waiver of
25 such requirement would facilitate the ability of the

1 State or eligible service provider to carry out the
2 purpose of the program;

3 “(ii) a State or eligible service provider has pro-
4 vided notice and information to the public regarding
5 the proposed waiver; and

6 “(iii) the State or eligible service provider dem-
7 onstrates to the satisfaction of the Secretary that
8 such waiver will not increase the overall cost of the
9 program to the Federal government, and, if such
10 waiver does increase such overall cost to the Federal
11 government, such cost will be paid from non-Federal
12 funds.

13 “(B) Such notice and information shall be provided
14 in the same manner in which such State or eligible service
15 provider customarily provides similar notices and informa-
16 tion to the public.

17 “(2)(A) To request a waiver, a State or eligible serv-
18 ice provider shall submit an application to the Secretary
19 that—

20 “(i) identifies the statutory or regulatory re-
21 quirements that are requested to be waived;

22 “(ii) in the case of a State requesting a waiver,
23 describes actions, if any, that the State has under-
24 taken to remove State statutory or regulatory bar-
25 riers;

1 “(iii) describes the goal of the waiver to im-
2 prove services under the program and the expected
3 outcomes if the waiver is granted;

4 “(iv) includes a description of the impediments
5 to the efficient operation and administration of the
6 program;

7 “(v) describes the management goals to be
8 achieved, such as fewer hours devoted to or fewer
9 number of personnel involved in the administration
10 of the program;

11 “(vi) provides a timetable for implementing the
12 waiver; and

13 “(vii) describes the process the State or eligible
14 service provider will use to monitor the progress in
15 implementing the waiver, including the process for
16 monitoring the cost implications of the waiver to the
17 Federal government.

18 “(B) An application described in subparagraph (A)
19 shall be developed by the State or eligible service provider
20 and shall be submitted to the Secretary by the State.

21 “(3)(A) The Secretary shall act promptly on a waiver
22 request contained in an application submitted under para-
23 graph (2) and shall either grant or deny such request. The
24 Secretary shall state in writing the reasons for granting
25 or denying such request.

1 “(B) If the Secretary grants a waiver request, the
2 Secretary shall state in writing the expected outcome of
3 granting such a waiver.

4 “(C) The result of the decision of the Secretary shall
5 be disseminated by the State or eligible service provider
6 to interested parties, including educators, parents, stu-
7 dents, advocacy and civil rights organizations, other inter-
8 ested parties, and the public.

9 “(D)(i) Except as provided in clause (ii), a waiver
10 granted by the Secretary shall be for a period not to ex-
11 ceed three years.

12 “(ii) The Secretary may extend such period if the
13 Secretary determines that the waiver has been effective
14 in enabling the State or eligible service provider to carry
15 out the purposes of the program.

16 “(4) The Secretary may not grant a waiver under
17 paragraph (3) of any requirement relating to—

18 “(A) the nutritional content of meals served;

19 “(B) Federal reimbursement rates;

20 “(C) the provision of free and reduced price
21 meals;

22 “(D) offer versus serve provisions;

23 “(E) limits on the price charged for a reduced
24 price meal;

25 “(F) maintenance of effort;

1 “(G) equitable participation of children in pri-
2 vate schools;

3 “(H) distribution of funds to State and local
4 school food service authorities;

5 “(I) prohibiting the disclosure of information
6 relating to students receiving free or reduced price
7 meals;

8 “(J) prohibiting the operation of a profit pro-
9 ducing program;

10 “(K) the sale of competitive foods;

11 “(L) the commodity distribution program under
12 section 14 of this Act; and

13 “(M) enforcement of any constitutional or stat-
14 utory right of an individual, including any right
15 under—

16 “(i) title VI of the Civil Rights Act of
17 1964;

18 “(ii) Section 504 of the Rehabilitation Act
19 of 1973;

20 “(iii) title IX of the Education Amend-
21 ments of 1972;

22 “(iv) the Age Discrimination Act of 1975;
23 and

24 “(v) the Americans with Disabilities Act of
25 1990.

1 “(5) The Secretary shall periodically review the per-
2 formance of any State or eligible service provider for which
3 the Secretary has granted a waiver and shall terminate
4 the waiver if the performance of the State or service pro-
5 vider has been inadequate to justify a continuation of the
6 waiver. The Secretary shall terminate the waiver if, after
7 periodic review, the Secretary determines that the waiver
8 has resulted in increased Federal spending and such in-
9 creased Federal spending has not been paid for in accord-
10 ance with paragraph (1)(A)(iii).

11 “(6)(A)(i) An eligible service provider that receives
12 a waiver under this section shall annually submit to the
13 State a report that—

14 “(I) describes the use of such waiver by the eli-
15 gible service provider; and

16 “(II) evaluates how the waiver contributed to
17 improved services to children served by the program
18 for which the waiver was requested.

19 “(ii) The State shall annually submit to the Secretary
20 a report that summarizes all reports received by the State
21 from eligible service providers.

22 “(B) The Secretary shall annually submit to the
23 Committee on Education and Labor of the House of Rep-
24 resentatives and the Committee on Agriculture, Nutrition,
25 and Forestry of the Senate, a report—

1 “(i) summarizing the use of waivers by the
2 State and eligible service providers;

3 “(ii) describing whether such waivers resulted
4 in improved services to children;

5 “(iii) describing the impact of such waivers on
6 providing nutritional meals to participants; and

7 “(iv) describing how such waivers reduced the
8 amount of paperwork necessary to administer the
9 program.

10 “(7) For purposes of this subsection, the term ‘eligi-
11 ble service provider’ means—

12 “(A) a local school food service authority;

13 “(B) a service institution or private nonprofit
14 organization described under section 13 of this Act;
15 or

16 “(C) a family or group day care home sponsor-
17 ing organization described under section 17 of this
18 Act.”.

19 **SEC. 107. SUMMER FOOD SERVICE PROGRAM FOR CHIL-**
20 **DREN.**

21 (a) PRIORITY REQUIREMENTS FOR DETERMINING
22 PARTICIPATION OF CERTAIN ELIGIBLE SERVICE INSTITU-
23 TIONS.—Section 13(a)(4) of the National School Lunch
24 Act (42 U.S.C. 1761(a)(4)) is amended by striking sub-

1 paragraphs (A) through (F) and inserting the following
2 new subparagraphs:

3 “(A) Local schools.

4 “(B) All other service institutions and private
5 nonprofit organizations eligible under paragraph (7)
6 that have demonstrated successful program perform-
7 ance in a prior year.

8 “(C) Other service institutions and private non-
9 profit organizations eligible under paragraph (7).”.

10 (b) ELIMINATION OF 1-YEAR WAITING PERIOD WITH
11 RESPECT TO PARTICIPATION OF PRIVATE NONPROFIT
12 ORGANIZATIONS IN CERTAIN AREAS UNDER THE PRO-
13 GRAM.—Section 13(a)(7) of such Act (42 U.S.C.
14 1761(a)(7)) is amended by striking subparagraph (C) of
15 such section.

16 (c) ELIMINATION OF WARNING IN PRIVATE NON-
17 PROFIT ORGANIZATION APPLICATION RELATING TO
18 CRIMINAL PROVISIONS AND RELATED MATTERS.—Sec-
19 tion 13(q) of such Act (42 U.S.C. 1761(q)) is amended—

20 (1) by striking paragraph (2);

21 (2) by redesignating paragraphs (3) through
22 (5) as paragraphs (2) through (4), respectively; and

23 (3) in paragraph (3) (as redesignated), by strik-
24 ing “paragraphs (1) and (3)” and inserting “para-
25 graphs (1) and (2)”.

1 (d) EXTENSION OF PROGRAM.—Section 13(r) of such
2 Act (42 U.S.C. 1761(r)) is amended by striking “1994”
3 and inserting “1998”.

4 **SEC. 108. COMMODITY DISTRIBUTION PROGRAM.**

5 Section 14 of the National School Lunch Act (42
6 U.S.C. 1762a) is amended—

7 (1) in subsection (a), by striking “1994” and
8 inserting “1998”; and

9 (2) in subsection (b)—

10 (A) by inserting “(1)” after “(b)”; and

11 (B) by adding at the end the following new
12 paragraphs:

13 “(2) The Secretary shall maintain and continue to
14 improve the overall nutritional quality of entitlement com-
15 modities provided to schools to assist the schools in im-
16 proving the nutritional content of meals.

17 “(3) The Secretary shall—

18 “(A) require that nutritional content informa-
19 tion labels be placed on packages or shipments of
20 entitlement commodities provided to the schools; or

21 “(B) otherwise provide nutritional content in-
22 formation regarding the commodities provided to the
23 schools.”.

1 **SEC. 109. CHILD AND ADULT CARE FOOD PROGRAM.**

2 (a) AUTOMATIC ELIGIBILITY OF CERTAIN EVEN
3 START PARTICIPANTS.—Section 17(c) of the National
4 School Lunch Act (42 U.S.C. 1766(c)) (as amended by
5 section 103(d)(1)(C)) is further amended by adding at the
6 end the following new paragraph:

7 “(6)(A) A child who has not yet entered kindergarten
8 shall be considered automatically eligible for benefits
9 under this section without further application or eligibility
10 determination if the child is enrolled as a participant in
11 the Even Start program under part B of chapter 1 of title
12 I of the Elementary and Secondary Education Act of 1965
13 (20 U.S.C. 2741 et seq.).

14 “(B) Subparagraph (A) shall apply only with respect
15 to the provision of benefits under this section for fiscal
16 years 1996 through 1998.”.

17 (b) REAPPLICATION FOR ASSISTANCE AT 3-YEAR IN-
18 Tervals.—Section 17(d)(2)(A) of such Act (42 U.S.C.
19 1766(d)(2)(A)) is amended by striking “2-year intervals”
20 and inserting “3-year intervals”.

21 (c) USE OF ADMINISTRATIVE FUNDS TO CONDUCT
22 OUTREACH AND RECRUITMENT TO UNLICENSED DAY
23 CARE HOMES.—Section 17(f)(3)(C) of such Act (42
24 U.S.C. 1766(f)(3)(C)) is amended—

1 (1) by striking “(C) Reimbursement for admin-
2 istrative expenses” and inserting “(C)(i) Reimburse-
3 ment for administrative expenses”; and

4 (2) by adding at the end the following new
5 clause:

6 “(ii) Funds for administrative expenses may be used
7 by family or group day care home sponsoring organiza-
8 tions to conduct outreach and recruitment to unlicensed
9 family or group day care homes so that such day care
10 homes may become licensed.”.

11 (d) INFORMATION AND TRAINING CONCERNING
12 CHILD HEALTH AND DEVELOPMENT.—Section 17(k) of
13 such Act (42 U.S.C. 1766(k)) is amended by adding at
14 the end the following new paragraph:

15 “(4) The Secretary shall encourage family or group
16 day care sponsoring organizations to provide information
17 and training concerning child health and development to
18 family or group day care homes participating in the pro-
19 gram under such organizations.”.

20 (e) EXTENSION OF STATEWIDE DEMONSTRATION
21 PROJECTS.—Section 17(p) of such Act (42 U.S.C.
22 1766(p)) is amended—

23 (1) in paragraph (4)(B), by striking “1992”
24 and inserting “1998”; and

1 (2) in paragraph (5), by striking “1994” and
2 inserting “1998”.

3 **SEC. 110. HOMELESS CHILDREN NUTRITION PROGRAM.**

4 (a) IN GENERAL.—The National School Lunch Act
5 (42 U.S.C. 1751 et seq.) is amended by inserting after
6 section 17A the following new section:

7 **“SEC. 17B. HOMELESS CHILDREN NUTRITION PROGRAM.**

8 “(a) IN GENERAL.—The Secretary shall conduct
9 projects designed to provide food service throughout the
10 year to homeless children under the age of 6 in emergency
11 shelters.

12 “(b) AGREEMENTS TO PARTICIPATE IN PROJECTS.—

13 “(1) IN GENERAL.—The Secretary shall enter
14 into agreements with State, city, local, or county
15 governments, other public entities, or private non-
16 profit organizations to participate in the projects
17 under this section.

18 “(2) ELIGIBILITY REQUIREMENTS.—The Sec-
19 retary shall establish eligibility requirements for the
20 entities described in paragraph (1) that desire to
21 participate in the projects under this section. Such
22 requirements shall include the following:

23 “(A) Each private nonprofit organization
24 shall operate not more than 5 food service sites

1 under the project and shall serve not more than
2 300 homeless children at each such site.

3 “(B) Each site operated by each such or-
4 ganization shall meet applicable State and local
5 health, safety, and sanitation standards.

6 “(c) PROJECT REQUIREMENTS.—

7 “(1) IN GENERAL.—A project conducted under
8 this subsection shall—

9 “(A) use the same meal patterns and re-
10 ceive reimbursement payments for meals and
11 supplements at the same rates provided to child
12 care centers participating in the child care food
13 program under section 17 for free meals and
14 supplements; and

15 “(B) receive reimbursement payments for
16 meals and supplements served on Saturdays,
17 Sundays, and holidays, at the request of the
18 sponsor of any such project.

19 “(2) MODIFICATION.—The Secretary may mod-
20 ify the meal pattern requirements to take into ac-
21 count the needs of infants.

22 “(3) HOMELESS CHILDREN ELIGIBLE FOR
23 FREE MEALS WITHOUT APPLICATION.—Homeless
24 children under the age of 6 in emergency shelters

1 shall be considered eligible for free meals without
2 application.

3 “(d) NOTICE.—The Secretary shall advise each State
4 of the availability of the projects established under this
5 subsection for States, cities, counties, local governments
6 and other public entities, and shall advise each State of
7 the procedures for applying to participate in the project.

8 “(e) REPORT TO CONGRESS.—Not later than 1 year
9 after the date of the enactment of the Healthy Meals for
10 Healthy Children Act of 1994, the Secretary shall submit
11 to the appropriate committees of the Congress a report
12 that includes—

13 “(1) an explanation of the actions the Secretary
14 has taken to carry out subsection (d);

15 “(2) an estimate, if practicable, of the number
16 of children living in homeless shelters who are not
17 served by projects conducted under this section; and

18 “(3) a detailed plan for expanding the projects
19 so that more eligible children may participate in
20 such projects.

21 “(f) PLAN TO ALLOW PARTICIPATION IN THE CHILD
22 AND ADULT CARE FOOD PROGRAM.—Not later than Sep-
23 tember 30, 1996, the Secretary shall submit to the appro-
24 priate committees of the Congress a plan describing how
25 emergency shelters and homeless children who have not

1 attained the age of 6 and who are served by such shelters
2 under the program might participate in the child and
3 adult care food program authorized under section 17 by
4 September 30, 1998.

5 “(g) DEFINITIONS.—For purposes of this section, the
6 following definitions apply:

7 “(1) APPROPRIATE COMMITTEES OF THE CON-
8 GRESS.—The term ‘appropriate committees of the
9 Congress’ means the Committee on Education and
10 Labor of the House of Representatives and the Com-
11 mittee on Agriculture, Nutrition, and Forestry of
12 the Senate.

13 “(2) EMERGENCY SHELTER.—The term ‘emer-
14 gency shelter’ has the meaning given such term in
15 section 321(2) of the Stewart B. McKinney Home-
16 less Assistance Act.

17 “(h) FUNDING.—

18 “(1) IN GENERAL.—In addition to any amounts
19 made available under section 7(a)(5)(B)(i)(I) of the
20 Child Nutrition Act of 1966 (42 U.S.C.
21 1776(a)(5)(B)(i)(I)), the Secretary shall, except as
22 provided in paragraph (2), expend to carry out this
23 section from amounts appropriated for purposes of
24 carrying out this Act \$3,000,000 for fiscal year
25 1995 and each succeeding fiscal year.

1 “(2) EXCEPTION.—The Secretary may expend
2 less than the amount required under paragraph (1)
3 if there is an insufficient number of suitable appli-
4 cants.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) NATIONAL SCHOOL LUNCH ACT.—Section
7 18 of the National School Lunch Act (42 U.S.C.
8 1769) is amended—

9 (A) by striking subsection (c); and

10 (B) by redesignating subsection (d) as sub-
11 section (c).

12 (2) CHILD NUTRITION ACT OF 1966.—Section
13 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966
14 (42 U.S.C. 1776(a)(5)(B)(i)(I)) is amended—

15 (A) by striking “projects under section
16 18(c) of the National School Lunch Act (42
17 U.S.C. 1769(c))” and inserting “projects under
18 section 17B of the National School Lunch Act”;
19 and

20 (B) by striking “1993 and 1994” each
21 place it appears and inserting “1995 through
22 1998”.

23 **SEC. 111. PILOT PROJECTS.**

24 (a) COMMODITY LETTER OF CREDIT (CLOC) PRO-
25 GRAMS.—Section 18(b)(1) of the National School Lunch

1 Act (42 U.S.C. 1769(b)(1)) is amended in the 1st sentence
2 by striking “, and ending September 30, 1994”.

3 (b) DEMONSTRATION PROGRAM TO PROVIDE MEALS
4 AND SUPPLEMENTS OUTSIDE OF SCHOOL HOURS.—Sec-
5 tion 18 of such Act (42 U.S.C. 1769) is amended by add-
6 ing at the end the following new subsection:

7 “(d)(1)(A) The Secretary shall establish a dem-
8 onstration program to provide grants to eligible institu-
9 tions or schools to provide meals or supplements to adoles-
10 cents participating in educational, recreational, or other
11 programs and activities provided outside of school hours.

12 “(B) The amount of a grant under subparagraph (A)
13 shall be equal to the amount necessary to provide meals
14 or supplements described in such subparagraph and shall
15 be determined in accordance with reimbursement payment
16 rates for meals and supplements under the child and adult
17 care food program under section 17 of this Act.

18 “(2) The Secretary may not provide a grant under
19 paragraph (1) to an eligible institution or school unless
20 such institution or school submits to the Secretary an ap-
21 plication containing such information as the Secretary
22 may reasonably require.

23 “(3) The Secretary may not provide a grant under
24 paragraph (1) to an eligible institution or school unless
25 such institution or school agrees that—

1 “(A) it will use amounts from such grant to
2 provide meals or supplements under educational,
3 recreational, or other programs and activities for
4 adolescents outside of school hours, and such pro-
5 grams and activities are carried out in geographic
6 areas in which there are high rates of poverty, vio-
7 lence, or drug and alcohol abuse among school-aged
8 youths; and

9 “(B) it will use the same meal patterns as meal
10 patterns required under the child and adult care
11 food program under section 17 of this Act.

12 “(4) Determinations with regard to eligibility for free
13 and reduced price meals and supplements provided under
14 programs and activities under this subsection shall be
15 made in accordance with the income eligibility guidelines
16 for free and reduced price lunches under section 9 of this
17 Act.

18 “(5)(A) Except as provided in subparagraph (B), the
19 Secretary shall expend to carry out this subsection from
20 amounts appropriated for purposes of carrying out section
21 17 of this Act, \$325,000 for fiscal year 1995 and
22 \$525,000 for each of the fiscal years 1996 through 1998.
23 In addition to amounts described in the preceding the sen-
24 tence, the Secretary shall expend any additional amounts

1 in any fiscal year as may be provided in advance in appro-
2 priations Acts.

3 “(B) The Secretary may expend less than the amount
4 required under subparagraph (A) if there is an insufficient
5 number of suitable applicants.

6 “(6) For the purposes of this subsection—

7 “(A) the term ‘adolescent’ means a child who
8 has attained the age of 13 but has not attained the
9 age of 19;

10 “(B) the term ‘eligible institution or school’
11 means—

12 “(i) an institution, as such term is defined
13 in section 17 of this Act; or

14 “(ii) an elementary or secondary school
15 participating in the school lunch program under
16 this Act; and

17 “(C) the term ‘outside of school hours’ means
18 after-school hours, weekends, or holidays during the
19 regular school year.”.

20 **SEC. 112. REDUCTION OF PAPERWORK.**

21 Section 19(a) of the National School Lunch Act (42
22 U.S.C. 1769a(a)) is amended by striking “and other agen-
23 cies” and inserting “other agencies” and by inserting “,
24 and families of children participating in such programs”
25 after “assisted under such Acts”.

1 **SEC. 113. EXTENSION OF FOOD SERVICE MANAGEMENT IN-**
2 **STITUTE.**

3 Section 21(e)(2) of the National School Lunch Act
4 (42 U.S.C. 1769b-1(e)(2)) is amended to read as follows:

5 “(2) \$1,700,000 for each of the fiscal years
6 1995, 1996, 1997, and 1998 for purposes of carry-
7 ing out subsection (a)(2).”.

8 **SEC. 114. DUTIES OF THE SECRETARY OF AGRICULTURE**
9 **RELATING TO NONPROCUREMENT DEBAR-**
10 **MENT UNDER CERTAIN CHILD NUTRITION**
11 **PROGRAMS.**

12 (a) IN GENERAL.—The National School Lunch Act
13 (42 U.S.C. 1751 et seq.) is amended by adding at the end
14 the following new section:

15 **“SEC. 25. DUTIES OF THE SECRETARY RELATING TO**
16 **NONPROCUREMENT DEBARMENT.**

17 “(a) PURPOSES.—The purposes of this section are to
18 promote the prevention and deterrence of instances of
19 fraud, bid rigging, and other anticompetitive activities en-
20 countered in the procurement of products for child nutri-
21 tion programs by—

22 “(1) establishing guidelines and a timetable for
23 the Secretary to initiate debarment proceedings, as
24 well as establishing mandatory debarment periods;
25 and

1 “(2) providing training, technical advice, and
2 guidance in identifying and preventing such activi-
3 ties.

4 “(b) DEFINITIONS.—For purposes of this section, the
5 following definitions apply:

6 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term ‘appropriate congressional com-
8 mittees’ means the Committee on Education and
9 Labor and the Committee on Agriculture of the
10 House of Representatives and the Committee on Ag-
11 riculture, Nutrition, and Forestry of the Senate.

12 “(2) CHILD NUTRITION PROGRAM.—The term
13 ‘child nutrition program’ means—

14 “(A) the school lunch program established
15 under this Act;

16 “(B) the school breakfast program estab-
17 lished under section 4 of the Child Nutrition
18 Act of 1966 (42 U.S.C. 1773);

19 “(C) the special milk program established
20 under section 3 of such Act (42 U.S.C. 1772);

21 “(D) the special nutrition program for
22 women, infants, and children authorized under
23 section 17 of such Act (42 U.S.C. 1786);

1 “(E) the summer food service program for
2 children established under section 13 of this
3 Act;

4 “(F) the child and adult care food program
5 established under section 17 of this Act; and

6 “(G) the homeless children nutrition pro-
7 gram under section 17B of this Act.

8 “(3) CONTRACTOR.—The term ‘contractor’
9 means a person that contracts with a State, an
10 agency of a State, or a local agency to provide goods
11 in conjunction with the participation of a local agen-
12 cy in a child nutrition program.

13 “(4) LOCAL AGENCY.—The term ‘local agency’
14 means a school, school food authority, child care
15 center, sponsoring organization, or other entity au-
16 thorized to operate a child nutrition program at the
17 local level.

18 “(5) NONPROCUREMENT DEBARMENT.—The
19 term ‘nonprocurement debarment’ means an action
20 to bar a person from programs and activities involv-
21 ing Federal financial and nonfinancial assistance,
22 but not including Federal procurement programs
23 and activities.

1 “(6) PERSON.—The term ‘person’ means any
2 individual, corporation, partnership, association, or
3 other legal entity, however organized.

4 “(c) ASSISTANCE TO IDENTIFY AND PREVENT
5 FRAUD AND ANTICOMPETITIVE ACTIVITIES.—The Sec-
6 retary shall—

7 “(1) in cooperation with the food service man-
8 agement institute authorized under section 21 and
9 with any other appropriate individual, organization,
10 or agency, provide advice, training, technical assist-
11 ance, and guidance (which may include awareness
12 training, training films, and troubleshooting advice)
13 to representatives of States and local agencies re-
14 garding means of identifying and preventing fraud
15 and anticompetitive activities relating to the provi-
16 sion of goods in conjunction with the participation of
17 a local agency in a child nutrition program; and

18 “(2) provide information to, and fully cooperate
19 with, the Attorney General and State attorneys gen-
20 eral regarding investigations of fraud and anti-
21 competitive activities relating to the provision of
22 goods in conjunction with the participation of a local
23 agency in a child nutrition program.

24 “(d) NONPROCUREMENT DEBARMENT.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (3), not later than 180 days after notification
3 of the occurrence of a cause for debarment described
4 in paragraph (2), the Secretary shall initiate
5 nonprocurement debarment proceedings against the
6 contractor who has committed the cause for debar-
7 ment.

8 “(2) CAUSES FOR DEBARMENT.—Actions re-
9 quiring initiation of nonprocurement debarment pur-
10 suant to paragraph (1) shall include the following:

11 “(A) A contractor commits an action or se-
12 ries of actions which constitute a substantial
13 and material violation of a regulation of a child
14 nutrition program of the Department of Agri-
15 culture, as determined by the Secretary.

16 “(B) A contractor is found guilty in any
17 criminal, civil, or administrative proceeding, or
18 found liable in any civil or administrative pro-
19 ceeding, in connection with the supplying, pro-
20 viding, or selling of goods to any local agency
21 or to any Federal agency in connection with the
22 child nutrition programs, of—

23 “(i) an anticompetitive activity, in-
24 cluding bid-rigging, price-fixing, the alloca-
25 tion of customers between competitors, or

1 other violation of Federal or State anti-
2 trust laws;

3 “(ii) fraud, bribery, theft, forgery or
4 embezzlement;

5 “(iii) breach of contract;

6 “(iv) making a false claim or state-
7 ment; or

8 “(v) other obstruction of justice.

9 “(3) EXCEPTION.—If the Secretary determines
10 that a decision on initiating nonprocurement debar-
11 ment proceedings cannot be made within 180 days
12 after notification of the occurrence of a cause for de-
13 barment described in paragraph (2) because of the
14 need to further investigate matters relating to the
15 possible debarment, the Secretary may have such ad-
16 ditional time as the Secretary considers necessary to
17 make a decision, but not to exceed an additional 180
18 days.

19 “(4) MANDATORY CHILD NUTRITION PROGRAM
20 DEBARMENT PERIODS.—

21 “(A) IN GENERAL.—Subject to the other
22 provisions of this paragraph and notwithstand-
23 ing any other provision of law except subsection
24 (e), if, after deciding to initiate nonprocurement
25 debarment proceedings pursuant to paragraph

1 (1), the Secretary decides to debar a contractor,
2 the debarment shall be for a period of not less
3 than 3 years.

4 “(B) PREVIOUS DEBARMENT.—If the con-
5 tractor has been previously debarred pursuant
6 to nonprocurement debarment proceedings initi-
7 ated pursuant to paragraph (1), and the cause
8 for debarment is described in paragraph (2)
9 based on activities that occurred subsequent to
10 the initial debarment, the debarment shall be
11 for a period of not less than 5 years.

12 “(C) SCOPE.—At a minimum, a debarment
13 under this subsection shall serve to bar the con-
14 tractor for the specified period from contracting
15 to provide goods in conjunction with the partici-
16 pation of a local agency in a child nutrition pro-
17 gram.

18 “(D) REVERSAL, REDUCTION, OR EXCEP-
19 TION.—Nothing in this paragraph shall restrict
20 the ability of the Secretary to reverse a debar-
21 ment decision, to reduce the period or scope of
22 a debarment, nor to grant an exception permit-
23 ting a debarred contractor to participate in a
24 particular contract to provide goods in conjunc-
25 tion with the participation of a local agency in

1 a child nutrition program, if the Secretary de-
2 termines there is good cause for the action.

3 “(5) INFORMATION.—On request, the Secretary
4 shall present to the appropriate congressional com-
5 mittees information regarding the decisions required
6 by this subsection.

7 “(6) RELATIONSHIP TO OTHER AUTHORI-
8 TIES.—A debarment imposed under this section
9 shall not reduce or diminish the authority of a Fed-
10 eral, State, or local government agency or court to
11 penalize, imprison, fine, suspend, debar, or take
12 other adverse action against a person in a civil,
13 criminal, or administrative proceeding.

14 “(7) REGULATIONS.—The Secretary shall issue
15 such regulations as are necessary to carry out this
16 subsection.

17 “(e) MANDATORY DEBARMENT.—Notwithstanding
18 any other provision of this section, the Secretary shall ini-
19 tiate nonprocurement debarment proceedings against the
20 contractor (including any cooperative) who has committed
21 the cause for debarment (as determined under subsection
22 (d)(2)), unless the action—

23 “(1) is likely to have a significant adverse effect
24 on competition or prices in the relevant market or
25 nationally;

1 “(2) will interfere with the ability of a local
2 agency to procure a needed product for a child nu-
3 trition program;

4 “(3) is unfair to a person, subsidiary corpora-
5 tion, affiliate, parent company, or local division of a
6 corporation that is not involved in the improper ac-
7 tivity that would otherwise result in the debarment;
8 or

9 “(4) is not in the public interest, as determined
10 by the Secretary.

11 “(f) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—
12 Prior to seeking judicial review in a court of competent
13 jurisdiction, a contractor against whom a nonprocurement
14 debarment proceeding has been initiated shall—

15 “(1) exhaust all administrative procedures pre-
16 scribed by the Secretary; and

17 “(2) receive notice of the final determination of
18 the Secretary.

19 “(g) INFORMATION RELATING TO PREVENTION AND
20 CONTROL OF ANTICOMPETITIVE ACTIVITIES.—On re-
21 quest, the Secretary shall present to the appropriate con-
22 gressional committees information regarding the activities
23 of the Secretary relating to anticompetitive activities,
24 fraud, nonprocurement debarment, and any waiver grant-
25 ed by the Secretary under this section.”.

1 (b) APPLICABILITY.—Section 25(c) of the National
2 School Lunch Act (as added by subsection (a)) shall not
3 apply to a cause for debarment as described in section
4 25(d)(2) of such Act that is based on an activity that took
5 place prior to the date of enactment of this Act.

6 (c) REPORT ON CONSISTENT DEBARMENT POLICY.—
7 Not later than 120 days after the date of enactment of
8 this Act, the Secretary of Agriculture, in consultation with
9 the Director of the Office of Management and Budget, the
10 Secretary of Defense, and such other officials as the Sec-
11 retary of Agriculture determines are appropriate, shall ad-
12 vise the appropriate committees of the Congress and the
13 Comptroller General of the United States as to the appro-
14 priateness and usefulness of a consistent debarment policy
15 under—

16 (1) the Federal acquisition regulations issued
17 under title 48, Code of Federal Regulations; and

18 (2) Federal nonprocurement regulations.

19 (d) NO REDUCTION IN AUTHORITY TO DEBAR OR
20 SUSPEND A PERSON FROM FEDERAL FINANCIAL AND
21 NONFINANCIAL ASSISTANCE AND BENEFITS.—The au-
22 thority of the Secretary of Agriculture that exists on the
23 date of enactment of this Act to debar or suspend a person
24 from Federal financial and nonfinancial assistance and
25 benefits under Federal programs and activities, on a gov-

1 ernment-wide basis, shall not be diminished or reduced by
2 this Act or the amendment made by subsection (a).

3 **TITLE II—AMENDMENTS TO**
4 **CHILD NUTRITION ACT OF 1966**

5 **SEC. 201. SCHOOL BREAKFAST PROGRAM.**

6 (a) TECHNICAL ASSISTANCE TO ENSURE COMPLI-
7 ANCE WITH NUTRITIONAL REQUIREMENTS.—Section
8 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C.
9 1773(e)(1)) is amended—

10 (1) by striking “(1) Breakfasts served by
11 schools” and inserting “(1)(A) Breakfasts served by
12 schools”; and

13 (2) by adding at the end the following new sub-
14 paragraph:

15 “(B) The Secretary shall provide technical assistance
16 to those schools participating in the school breakfast pro-
17 gram under this section to assist such schools in comply-
18 ing with the nutritional requirements prescribed by the
19 Secretary pursuant to subparagraph (A). The Secretary
20 shall provide additional technical assistance to those
21 schools that are having difficulty maintaining compliance
22 with such requirements.”.

23 (b) PROMOTION OF PROGRAM.—Section 4(f)(1) of
24 such Act (42 U.S.C. 1773(f)(1)) is amended—

25 (1) by inserting “(A)” after “(1)”; and

1 (2) by adding at the end the following new sub-
2 paragraphs:

3 “(B) In cooperation with State educational agencies,
4 the Secretary shall establish a program to promote the
5 school breakfast program by—

6 “(i) marketing the program in a manner that
7 expands participation in the program by schools and
8 students; and

9 “(ii) improving public education and outreach
10 efforts in language appropriate materials that en-
11 hance the public image of the program.

12 “(C) For purposes of this paragraph, the term ‘lan-
13 guage appropriate materials’ means materials using lan-
14 guages other than the English language when those lan-
15 guages are dominant for a large percentage of individuals
16 participating in the program.”.

17 (c) STARTUP COSTS.—

18 (1) REAUTHORIZATION.—The first sentence of
19 section 4(g)(1) of such Act (42 U.S.C. 1773(g)(1))
20 is amended by striking “\$3,000,000” and all that
21 follows through “1994” and inserting “\$5,000,000
22 for fiscal year 1995 and each succeeding fiscal
23 year”.

1 (2) AMENDMENT TO DEFINITION OF ELIGIBLE
2 SCHOOL.—Section 4(g)(5) of such Act (42 U.S.C.
3 1773(g)(5)) is amended—

4 (A) in the matter preceding subparagraph
5 (A), by inserting “and subsection (h)” after
6 “As used in this subsection”; and

7 (B) in subparagraph (B), by inserting “or
8 expanded” after “established”.

9 (d) EXPANSION OF PROGRAM.—Section 4 of such Act
10 (42 U.S.C. 1773) is amended by adding at the end the
11 following new subsection:

12 “EXPANSION OF PROGRAMS

13 “(h)(1) The Secretary may use not more than
14 \$1,000,000 of funds made available under subsection
15 (g)(1) for any fiscal year to make payments on a competi-
16 tive basis to State educational agencies for distribution to
17 eligible schools to assist such schools with expenses in-
18 curred in expanding a school breakfast program estab-
19 lished under this section. Payments received under this
20 subsection shall be in addition to payments to which State
21 educational agencies are entitled under subsection (b).

22 “(2) In making payments under this subsection in
23 any fiscal year, the Secretary shall provide a preference
24 to State educational agencies that submit to the Sec-
25 retary—

1 “(A) a plan to expand school breakfast pro-
2 grams conducted in the State, including a descrip-
3 tion of—

4 “(i) the manner in which the agency will
5 provide technical assistance and funding to
6 schools in the State to expand the programs; or

7 “(ii) significant public or private resources
8 that have been assembled to carry out the ex-
9 pansion of the programs during the year; or

10 “(B) documentation of the need for—

11 “(i) equipment, including the purchase, re-
12 placement, or upgrading of equipment associ-
13 ated with expanding the school breakfast pro-
14 gram; or

15 “(ii) other needs, including a need for tem-
16 porary personnel, or funds to defray adminis-
17 trative or other costs associated with expanding
18 the school breakfast program.

19 “(3) Subparagraphs (B) and (C) of subsection (g)(2),
20 and paragraphs (3) through (5) of subsection (g), shall
21 apply to payments made under this subsection.”.

22 **SEC. 202. STATE ADMINISTRATIVE EXPENSES.**

23 (a) WITHHOLDING OF FUNDS FOR SERIOUS DEFICI-
24 ENCY IN STATE ADMINISTRATION OF PROGRAMS.—Sec-
25 tion 7(a) of the Child Nutrition Act of 1966 (42 U.S.C.

1 1776(a)) is amended by adding at the end the following
2 new paragraph:

3 “(9)(A) If the Secretary determines that a State’s ad-
4 ministration of any program under this Act (other than
5 section 17) or under the National School Lunch Act, or
6 compliance with regulations issued pursuant to such Acts,
7 is seriously deficient, and the State fails to correct the de-
8 ficiency within a specified period of time, the Secretary
9 may withhold from the State some or all of the funds allo-
10 cated to the State under this section or under sections
11 13(k)(1) or 17 of the National School Lunch Act (42
12 U.S.C. 1761(k)(1) and 1766).

13 “(B) Upon a subsequent determination by the Sec-
14 retary that the administration of any program referred to
15 in subparagraph (A), or compliance with the regulations
16 issued to carry out such programs, is no longer seriously
17 deficient and is operated in an acceptable manner, the
18 Secretary may allocate some or all of the funds withheld
19 under such subparagraph.”.

20 (b) EXTENSION OF AUTHORITY TO PROVIDE FUNDS
21 FOR STATE ADMINISTRATIVE EXPENSES.—Section 7(h)
22 of such Act (42 U.S.C. 1776(h)) is amended by striking
23 “1994” and inserting “1998”.

24 (c) PROHIBITION OF FUNDING UNLESS STATE
25 AGREES TO PARTICIPATE IN CERTAIN STUDIES OR SUR-

1 VEYS.—Section 7 of such Act (42 U.S.C. 1776) is amend-
2 ed—

3 (1) by redesignating subsection (h) (as amended
4 by subsection (b)) as subsection (i); and

5 (2) by inserting after subsection (g) the follow-
6 ing new subsection:

7 “(h) The Secretary may not provide amounts under
8 this section to a State for administrative costs incurred
9 in any fiscal year unless the State agrees to participate
10 in any study or survey of programs authorized under this
11 Act or the National School Lunch Act and conducted by
12 the Secretary.”.

13 **SEC. 203. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.**

14 (a) AMENDMENTS TO DEFINITION OF NUTRITIONAL
15 RISK.—Section 17(b)(8) of the Child Nutrition Act of
16 1966 (42 U.S.C. 1786(b)(8)) is amended—

17 (1) in subparagraph (B), by inserting “, such
18 as alcoholism or drug abuse” after “medical condi-
19 tions”; and

20 (2) in subparagraph (D), by striking “and mi-
21 grancy” and inserting “migrancy, and pregnancy”.

22 (b) PROMOTION OF PROGRAM.—Section 17(c) of
23 such Act (42 U.S.C. 1786(c)) is amended by adding at
24 the end the following new paragraph:

1 “(5) The Secretary shall promote the program by
2 producing and distributing materials, including television
3 and radio public service announcements in English and
4 other appropriate languages, that inform potentially eligi-
5 ble individuals of the benefits and services under the pro-
6 gram.”.

7 (c) ELIGIBILITY FOR CERTAIN PREGNANT
8 WOMEN.—Section 17(d)(2) of such Act (42 U.S.C.
9 1786(d)(2)) is amended by adding at the end the following
10 new subparagraph:

11 “(C) In the case of a pregnant woman who is other-
12 wise ineligible for participation in the program because the
13 family of such woman is of insufficient size to meet the
14 income eligibility standards of the program, such pregnant
15 woman shall be considered to have satisfied such income
16 eligibility standards if, by increasing the number of indi-
17 viduals in the family of such woman by one individual,
18 such income eligibility standards would be met.”.

19 (d) PRIORITY CONSIDERATION FOR CERTAIN MI-
20 GRANT POPULATIONS.—Section 17(f)(3) of such Act (42
21 U.S.C. 1786(f)(3)) is amended by inserting before the pe-
22 riod at the end the following: “and shall ensure that local
23 programs provide priority consideration to serving migrant
24 participants who are residing in the State for a limited
25 period of time”.

1 (e) INCOME ELIGIBILITY GUIDELINES.—Section
2 17(f)(18) of such Act (42 U.S.C. 1786(f)(18)) is amended
3 to read as follows:

4 “(18) A State agency may implement income eligi-
5 bility guidelines under this section concurrently with the
6 implementation of income eligibility guidelines under the
7 medicaid program prior to, but not later than, July 1 of
8 each year.”.

9 (f) USE OF RECOVERED PROGRAM FUNDS IN YEAR
10 COLLECTED.—Section 17(f) of such Act (42 U.S.C.
11 1786(f)) is amended by adding at the end the following
12 new paragraph:

13 “(23) A State agency may use funds recovered as a
14 result of violations in the food delivery system of the pro-
15 gram in the year in which such funds are collected for
16 the purpose of carrying out the program.”.

17 (g) EXTENSION OF PROGRAM.—Section 17 of such
18 Act (42 U.S.C. 1786) is amended—

19 (1) in subsection (g)(1), by striking “1991,
20 1992, 1993, and 1994” and inserting “1995
21 through 1998”;

22 (2) in subsection (h)(2)(A), by striking “1990,
23 1991, 1992, 1993 and 1994” and inserting “1995
24 through 1998”; and

1 (3) in subsection (m)(10)(A) by striking
2 “\$3,000,000 for fiscal year 1992, \$6,500,000 for
3 fiscal year 1993, and” and by inserting before the
4 period at the end “, \$10,500,000 for fiscal year
5 1995, and such sums as may be necessary for each
6 of the fiscal years 1996, 1997, and 1998”.

7 (h) USE OF FUNDS FOR TECHNICAL ASSISTANCE
8 AND RESEARCH EVALUATION PROJECTS.—Section
9 17(g)(5) of such Act (42 U.S.C. 1786(g)(5)) is amend-
10 ed—

11 (1) by striking “and administration of pilot
12 projects” and inserting “administration of pilot
13 projects”; and

14 (2) by inserting at the end before the period the
15 following:“, and carrying out technical assistance
16 and research evaluation projects of the programs
17 under this section”.

18 (i) BREASTFEEDING PROMOTION AND SUPPORT AC-
19 TIVITIES.—Section 17(h)(3) of such Act (42 U.S.C.
20 1786(h)(3)) is amended—

21 (1) in subparagraph (A)(i)(II), by striking
22 “\$8,000,000,” and inserting “the national minimum
23 breastfeeding promotion expenditure, as described in
24 subparagraph (E),”; and

1 (2) by adding at the end the following new sub-
2 paragraph:

3 “(E) The national minimum breastfeeding promotion
4 expenditure means—

5 “(i) with respect to fiscal year 1995, the
6 amount that is equal to \$21 multiplied by the num-
7 ber of pregnant women and breastfeeding women
8 participating in the program nationwide, based on
9 the average of the last 3 months for which the Sec-
10 retary has final data; and

11 “(ii) with respect to each of the fiscal years
12 1996 through 1998, the amount described in clause
13 (i) adjusted for inflation in accordance with para-
14 graph (1)(B)(ii).”.

15 (j) DEVELOPMENT OF STANDARDS FOR THE COL-
16 LECTION OF BREASTFEEDING DATA.—Section 17(h)(4) of
17 such Act (42 U.S.C. 1786(h)(4)) is amended—

18 (1) in subparagraph (C), by striking the “and”
19 at the end of such subparagraph;

20 (2) in subparagraph (D), by striking the period
21 at the end and inserting “; and”; and

22 (3) by adding at the end the following new sub-
23 paragraph:

24 “(E) not later than 1 year after the date of the
25 enactment of this subparagraph, develop uniform re-

1 requirements for the collection of data regarding inci-
2 dence and duration of breastfeeding among partici-
3 pants in the program, and upon development of such
4 uniform requirements, require each State agency to
5 report such data for inclusion in the report to Con-
6 gress described in section 17(d)(4).”.

7 (k) SUBMISSION OF INFORMATION TO THE CON-
8 GRESS ON WAIVERS WITH RESPECT TO PROCUREMENT
9 OF INFANT FORMULA.—Section 17(h)(8)(D)(iii) of such
10 Act (42 U.S.C. 1786(h)(8)(D)(iii)) is amended by striking
11 “at 6-month intervals” and inserting “on a timely basis”.

12 (l) PROHIBITION ON INTEREST LIABILITY TO FED-
13 ERAL GOVERNMENT ON REBATE FUNDS.—Section
14 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) is amended
15 by adding at the end the following new subparagraph:

16 “(L) A State will not incur an interest liability to the
17 Federal Government on rebate funds for infant formula
18 and other foods if all interest earned by the State on such
19 funds is used for program purposes.”.

20 (m) USE OF UNSPENT NUTRITION SERVICES AND
21 ADMINISTRATION FUNDS.—Section 17(h) of such Act (42
22 U.S.C. 1786(h)(8)) is amended by adding at the end the
23 following new paragraph:

24 “(10)(A) For each of the fiscal years 1995 through
25 1998, the Secretary shall use for the purposes specified

1 in subparagraph (B), \$10,000,000 or the amount of nutri-
2 tion services and administration funds for the prior fiscal
3 year that have not been obligated, whichever is lesser.

4 “(B) Funds under subparagraph (A) shall be used
5 for—

6 “(i) development of infrastructure for the pro-
7 gram under this section, including management in-
8 formation systems;

9 “(ii) special state projects of regional or na-
10 tional significance directed toward improving the
11 services of the program under this section; and

12 “(iii) special breastfeeding support and pro-
13 motion projects, including projects to assess the ef-
14 fectiveness of particular breastfeeding promotion
15 strategies and to develop State or local agency ca-
16 pacity or facilities to provide quality breastfeeding
17 services.”.

18 (n) LIMITATION ON ELIGIBILITY FOR FARMERS’
19 MARKET NUTRITION PROGRAM.—Section 17(m)(1) of
20 such Act (42 U.S.C. 1786(m)(1)) is amended by striking
21 “, or those who are on the waiting list to receive the assist-
22 ance,”.

23 (o) EXPANSION OF FARMERS’ MARKET NUTRITION
24 PROGRAM.—Section 17(m) of such Act (42 U.S.C.
25 1786(m)) is amended—

1 (1) in paragraph (5)(F)—

2 (A) in clause (i), by striking “15 percent”
3 and inserting “17 percent”;

4 (B) by striking clauses (ii) and (iii); and

5 (C) by inserting after clause (i) the follow-
6 ing new clause:

7 “(ii) During any fiscal year for which a State
8 receives assistance under this subsection, the Sec-
9 retary shall permit the State to use 3 percent of
10 total program funds for market development if the
11 Secretary determines that the State intends to pro-
12 mote the development of farmers’ markets in socially
13 or economically disadvantaged areas or remote rural
14 areas where individuals eligible for participation in
15 the program have limited access to locally grown
16 fruits and vegetables.”; and

17 (2) in paragraph (11)(D), by inserting before
18 the period at the end the following: “or any other
19 agency approved by the chief executive officer of the
20 State”.

21 (p) CONTINUED FUNDING FOR CERTAIN STATES
22 UNDER FARMERS’ MARKET NUTRITION PROGRAM.—Sec-
23 tion 17(m)(6)(A) of such Act (42 U.S.C. 1786(m)(6)(A))
24 is amended to read as follows:

1 “(6)(A) The Secretary shall continue to provide fund-
2 ing to States which participated in the program in the
3 most recent fiscal year as prescribed by subparagraph (B)
4 or as a part of the demonstration program authorized by
5 this subsection in a fiscal year ending before October 1,
6 1991. After satisfying the requirements of subparagraph
7 (B), the Secretary shall inform each State of the award
8 of funds as prescribed by subparagraph (G) by February
9 1st of each year.”.

10 (q) ADDITIONAL CONSIDERATION IN PROVIDING
11 FUNDS TO SERVE ADDITIONAL RECIPIENTS IN STATES
12 THAT RECEIVED ASSISTANCE IN THE PRIOR FISCAL
13 YEAR UNDER FARMERS’ MARKET NUTRITION PRO-
14 GRAM.—Section 17(m)(6)(C) of such Act (42 U.S.C.
15 1786(m)(6)(C)) is amended—

16 (1) in clause (ii), by striking “and” at the end
17 of such clause;

18 (2) in clause (iii), by striking the period at the
19 end of such clause and inserting “; and”; and

20 (3) by adding at the end the following new
21 clause:

22 “(iv) the number of persons receiving assistance
23 under subsection (c) but not receiving benefits under
24 this subsection.”.

1 (r) PERCENTAGE OF ANNUAL APPROPRIATIONS
2 AVAILABLE TO STATES UNDER FARMERS' MARKET NU-
3 TRITION PROGRAM.—Section 17(m)(6)(G) of such Act (42
4 U.S.C. 1786(m)(6)(G)) is amended—

5 (1) in clause (i), by striking “45 to 55 percent”
6 and inserting “75 percent”; and

7 (2) in clause (ii), by striking “45 to 55 per-
8 cent” and inserting “25 percent”.

9 (s) ELIMINATION OF FUNDING CARRYOVER PROVI-
10 SION UNDER FARMERS' MARKET NUTRITION PRO-
11 GRAM.—Section 17(m)(10)(B)(i)(II) of such Act (42
12 U.S.C. 1786(m)(10)(B)(i)(II)) is amended by striking “or
13 may be retained” and all that follows and inserting a pe-
14 riod.

15 (t) ELIMINATION OF REALLOCATION OF UNEX-
16 PENDED FUNDS WITH RESPECT TO DEMONSTRATION
17 PROJECTS UNDER FARMERS' MARKET NUTRITION PRO-
18 GRAM.—Section 17(m)(10)(B)(ii) of such Act (42 U.S.C.
19 1786(m)(10)(B)(ii)) is amended by striking the second
20 sentence.

21 (u) INITIATIVE TO PROVIDE PROGRAM SERVICES AT
22 COMMUNITY AND MIGRANT HEALTH CENTERS.—Section
23 17 of such Act (42 U.S.C. 1786) is amended by adding
24 at the end the following new subsection:

1 “(q)(1) The Secretary and the Secretary of Health
2 and Human Services (hereafter in this subsection referred
3 to as the ‘Secretaries’) shall jointly establish and carry out
4 an initiative for the purpose of providing both supple-
5 mental foods and nutrition education under the special
6 supplemental nutrition program and health care services
7 to low-income pregnant, postpartum, and breastfeeding
8 women, infants, and children at substantially more com-
9 munity health centers and migrant health centers.

10 “(2) Such initiative shall also include—

11 “(A) activities to improve the coordination of
12 the provision of supplemental foods and nutrition
13 education under the special supplemental nutrition
14 program and health care services at facilities funded
15 by the Indian Health Service; and

16 “(B) development and implementation of strate-
17 gies to ensure that, to the maximum extent feasible,
18 new health care facilities established in medically un-
19 derserved areas as a result of subsequent Federal
20 health care reform legislation provide supplemental
21 foods and nutrition education under the special sup-
22 plemental nutrition program.

23 “(3) Such initiative may include—

24 “(A) outreach and technical assistance for State
25 and local agencies and such health centers;

1 “(B) demonstration projects in selected State or
2 local areas; and

3 “(C) such other activities as the Secretaries
4 find appropriate.

5 “(4)(A) Not later than April 1, 1995, the Secretaries
6 shall prepare and submit to the Congress an initial report
7 on the actions the Secretaries intend to take to carry out
8 the initiative.

9 “(B) Not later than July 1, 1996, the Secretaries
10 shall prepare and submit to the Congress an interim re-
11 port on the actions the Secretaries are taking under the
12 initiative or actions the Secretaries intend to take under
13 the initiative as a result of their experience in implement-
14 ing the initiative.

15 “(C) Upon completion of the initiative, the Secretar-
16 ies shall prepare and submit to the Congress a final report
17 containing an evaluation of the initiative and a plan to
18 further the goals of the initiative.

19 “(5) As used in this subsection—

20 “(A) the term ‘community health center’ has
21 the meaning given such term under section 330 of
22 the Public Health Service Act (42 U.S.C. 254c); and

23 “(B) the term ‘migrant health center’ has the
24 meaning given such term under section 329 of the
25 Public Health Service Act (42 U.S.C. 254b).”.

1 (v) CHANGE IN NAME OF PROGRAM.—

2 (1) IN GENERAL.—Section 17 of such Act (42
3 U.S.C. 1786) is amended—

4 (A) by striking the section heading and in-
5 serting the following new section heading:

6 “SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
7 WOMEN, INFANTS, AND CHILDREN”;

8 (B) in the first sentence of subsection
9 (c)(1), by striking “special supplemental food
10 program” and inserting “special supplemental
11 nutrition program”;

12 (C) in the second sentence of subsection
13 (k)(1), by striking “special supplemental food
14 program” each place it appears and inserting
15 “special supplemental nutrition program”; and

16 (D) in subsection (o)(1)(B), by striking
17 “special supplemental food program” and in-
18 serting “special supplemental nutrition pro-
19 gram”.

20 (2) REFERENCES.—Any reference to the “spe-
21 cial supplemental food program” in any provision of
22 law, regulation, document, record, or other paper of
23 the United States shall be considered to be a ref-
24 erence to the “special supplemental nutrition pro-
25 gram”.

1 **SEC. 204. NUTRITION EDUCATION AND TRAINING.**

2 (a) USE OF FUNDS.—Section 19(f)(1) of the Child
3 Nutrition Act of 1966 (42 U.S.C. 1788(f)(1)) is amend-
4 ed—

5 (1) by striking “(f)(1) The funds” and inserting
6 “(f)(1)(A) The funds”;

7 (2) by striking “for (A) employing” and insert-
8 ing “for—

9 “(i) employing”;

10 (3) by redesignating subparagraphs (B)
11 through (I) as clauses (ii) through (ix), respectively;

12 (4) by indenting the margins of each of clauses
13 (ii) through (ix) (as redesignated by paragraph (3))
14 as so to align with the margin of clause (i) (as
15 amended by paragraph (2));

16 (5) by striking “and” at the end of clause (viii);

17 (6) by redesignating clause (ix) as clause (xvii);

18 (7) by inserting after clause (viii) the following
19 new clauses:

20 “(ix) providing funding for a nutrition compo-
21 nent in the health education curriculum offered to
22 children in kindergarten through grade 12;

23 “(x) instructing teachers, school administrators,
24 or other school staff on how to promote better nutri-
25 tional health and to motivate children of varying lin-

1 guistic and cultural backgrounds to practice sound
2 eating habits;

3 “(xi) developing means of providing nutrition
4 education in language-appropriate materials to chil-
5 dren and families of children through after-school
6 programs;

7 “(xii) training in relation to healthy and nutri-
8 tious meals;

9 “(xiii) creating instructional programming, in-
10 cluding language-appropriate materials and pro-
11 gramming, for teachers, school food service person-
12 nel, and parents on the relationships between nutri-
13 tion and health and the role of the food guide pyra-
14 mid established by the Secretary;

15 “(xiv) funding aspects of the Strategic Plan for
16 Nutrition and Education issued by the Secretary;

17 “(xv) increasing evaluation efforts at the State
18 level regarding needs assessment for nutrition edu-
19 cation efforts;

20 “(xvi) encouraging public service advertise-
21 ments, including language-appropriate materials and
22 advertisements, to promote healthy eating habits for
23 children; and”;

24 (8) by adding at the end the following new sub-
25 paragraph:

1 “(B) For purposes of this paragraph, the term ‘lan-
2 guage appropriate materials’ means materials using
3 languages other than the English language when those
4 languages are dominant for a large percentage of individ-
5 uals participating in the program.”.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
7 19(i)(2)(A) of such Act (42 U.S.C. 1788(i)(2)(a)) is
8 amended by striking “nutrition education and information
9 programs” and all that follows and inserting “nutrition
10 education and information programs \$10,000,000 for fis-
11 cal year 1995 and each succeeding fiscal year.”.

12 (c) AVAILABILITY OF FUNDS.—Section 19(i) of such
13 Act (42 U.S.C. 1788(i)) is amended—

14 (1) by redesignating paragraph (3) as para-
15 graph (4); and

16 (2) by adding a new paragraph (3) to read as
17 follows:

18 “(3) Funds made available to any State under this
19 section shall remain available to the State for obligation
20 in the fiscal year succeeding the fiscal year in which such
21 funds were received by the State.”.

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 301. CONSOLIDATION OF SCHOOL LUNCH PROGRAM**
4 **AND SCHOOL BREAKFAST PROGRAM INTO**
5 **COMPREHENSIVE MEAL PROGRAM.**

6 (a) **IN GENERAL.**—Notwithstanding any other provi-
7 sion of law, the Secretary of Agriculture shall, not later
8 than 1 year after the date of the enactment of this Act,
9 develop and implement regulations to consolidate the
10 school lunch program under the National School Lunch
11 Act (42 U.S.C. 1751 et seq.) and the school breakfast pro-
12 gram under section 4 of the Child Nutrition Act of 1966
13 (42 U.S.C. 1773) into a comprehensive meal program.

14 (b) **REQUIREMENTS.**—In establishing such com-
15 prehensive meal program under subsection (a), the Sec-
16 retary shall meet the following requirements:

17 (1) The Secretary shall ensure that the pro-
18 gram continues to serve children who are eligible for
19 free and reduced price meals. Such meals shall meet
20 the nutritional requirements under section 9(a)(1) of
21 the National School Lunch Act (42 U.S.C.
22 1758(a)(1)) and under section 4(e)(1) of the Child
23 Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)).

24 (2) The Secretary shall continue to make break-
25 fast assistance payments in accordance with section

1 4 of the Child Nutrition Act of 1966 and food as-
2 sistance payments in accordance with the National
3 School Lunch Act.

4 (c) REPORTS.—

5 (1) INITIAL REPORT.—Prior to implementing
6 the regulations described in subsection (a), the Sec-
7 retary shall submit to the Congress a report contain-
8 ing a plan for the consolidation and simplification of
9 the school lunch program and the school breakfast
10 program.

11 (2) REPORTS WITH RESPECT TO CHANGE IN
12 PAYMENT AMOUNTS.—If the Secretary proposes to
13 change the amount of the breakfast assistance pay-
14 ment or the food assistance payment under the com-
15 prehensive meal program, the Secretary shall
16 prepare and submit to the Congress a report con-
17 taining recommendations for legislation to effect
18 such change.

19 **SEC. 302. STUDY AND REPORT RELATING TO USE OF PRI-**
20 **VATE FOOD ESTABLISHMENTS AND CATER-**
21 **ERS UNDER SCHOOL LUNCH PROGRAM AND**
22 **SCHOOL BREAKFAST PROGRAM.**

23 (a) STUDY.—The Comptroller General of the United
24 States, in conjunction with the Director of the Office of
25 Technology Assessment, shall conduct a study on the use

1 of private food establishments and caterers, including fast
2 food and other restaurants, by schools that participate in
3 the school lunch program under the National School
4 Lunch Act (42 U.S.C. 1751 et seq.) or the school break-
5 fast program under section 4 of the Child Nutrition Act
6 of 1966 (42 U.S.C. 1773). In conducting such study, the
7 Comptroller General of the United States shall—

8 (1) examine the extent, manner, and terms
9 under which such private food establishments and
10 caterers supply meals and food to students and
11 schools that participate in the school lunch program
12 or the school breakfast program;

13 (2) determine the nutritional profile of all foods
14 provided by such establishments and caterers to stu-
15 dents during school hours; and

16 (3) evaluate the impact that the services pro-
17 vided by such establishments and caterers have on
18 the ability of local child nutrition programs to oper-
19 ate nutritionally sound and cost-effective programs
20 and the ability of such establishments and caterers
21 to utilize the commodities under section 14 of the
22 National School Lunch Act (42 U.S.C. 1762a).

23 (b) REPORT.—Not later than September 1, 1996, the
24 Comptroller General of the United States shall submit to
25 the Committee on Education and Labor and the Commit-

1 tee on Agriculture of the House of Representatives and
2 the Committee on Agriculture, Nutrition, and Forestry of
3 the Senate a report that contains the findings, determina-
4 tions, and evaluations of the study conducted pursuant to
5 subsection (a).

6 **SEC. 303. REPORT RELATING TO UNIFIED ACCOUNTABILITY**
7 **SYSTEM UNDER NATIONAL SCHOOL LUNCH**
8 **ACT.**

9 The Comptroller General of the United States shall
10 submit to the Committee on Education and Labor of the
11 House of Representatives and the Committee on Agri-
12 culture, Nutrition, and Forestry of the Senate a report
13 that analyzes—

14 (1) the status of the unified accountability sys-
15 tem authorized under section 22 of the National
16 School Lunch Act (42 U.S.C. 1769c);

17 (2) the advantages and disadvantages of the
18 system; and

19 (3) the cost impact of the system on schools.

20 **SEC. 304. AMENDMENT TO COMMODITY DISTRIBUTION RE-**
21 **FORM ACT AND WIC AMENDMENTS OF 1987.**

22 Section 3(h)(3) of the Commodity Distribution Re-
23 form Act and WIC Amendments of 1987 is amended by
24 striking “Hawaii,”.

1 **SEC. 305. STUDY OF THE EFFECT OF COMBING FEDERALLY**
2 **DONATED AND FEDERALLY INSPECTED MEAT**
3 **OR POULTRY.**

4 (a) STUDY.—The Comptroller General of the United
5 States shall conduct a study on the incidence and the ef-
6 fect of States restricting or prohibiting a legally con-
7 tracted commercial entity from physically combining fed-
8 erally inspected meat or polutry from another State.

9 (b) REPORT.—Not later than September 1, 1996, the
10 Comptroller General of the United States shall submit to
11 the Committee on Education and Labor and the Commit-
12 tee on Agriculture of the House of Representatives and
13 the Committee on Agriculture, Nutrition, and Forestry of
14 the Senate a report that contains the findings, determina-
15 tions, and evaluations of the study conducted pursuant to
16 subsection (a)

Passed the House of Representatives July 19, 1994.

Attest:

Clerk.

103^D CONGRESS
2^D SESSION

H. R. 8

AN ACT

To amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such Acts through the fiscal year 1998.