

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 999

To establish a single, consolidated source of Federal child care funding; to establish a program to provide block grants to States to provide nutrition assistance to economically disadvantaged individuals and families and to establish a program to provide block grants to States to provide school-based food services to students; to restrict alien eligibility for certain education, training, and other programs; and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1995

Mr. GOODLING introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities and, in addition, to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a single, consolidated source of Federal child care funding; to establish a program to provide block grants to States to provide nutrition assistance to economically disadvantaged individuals and families and to establish a program to provide block grants to States to provide school-based food services to students; to restrict alien eligibility for certain education, training, and other programs; and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Welfare Reform Con-  
3 solidation Act of 1995”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—CHILD CARE BLOCK GRANTS

- Sec. 101. Amendments to the Child Care and Development Block Grant Act of 1990.
- Sec. 102. Repeal of child care assistance authorized by Acts other than the Social Security Act.
- Sec. 103. Repeal of certain child care programs authorized under the Social Security Act.

TITLE II—FAMILY AND SCHOOL-BASED NUTRITION BLOCK GRANTS

Subtitle A—General Provisions

- Sec. 201. Definitions.

Subtitle B—Family Nutrition Block Grant Program

- Sec. 221. Authorization.
- Sec. 222. Allotment.
- Sec. 223. Application.
- Sec. 224. Use of amounts.
- Sec. 225. Reports.
- Sec. 226. Penalties.
- Sec. 227. Authorization of appropriations.

Subtitle C—School-Based Nutrition Block Grant Program

- Sec. 251. Authorization.
- Sec. 252. Allotment.
- Sec. 253. Application.
- Sec. 254. Use of amounts.
- Sec. 255. Reports.
- Sec. 256. Penalties.
- Sec. 257. Waiver of State law prohibiting assistance to children enrolled in private elementary and secondary schools.

Subtitle D—Miscellaneous Provisions

- Sec. 291. Repealers.

TITLE III—RESTRICTING ALIEN ELIGIBILITY FOR CERTAIN EDUCATION, TRAINING, AND OTHER PROGRAMS

- Sec. 301. Restrictions on eligibility of aliens for certain programs.

## TITLE IV—OTHER REPEALERS AND CONFORMING AMENDMENTS

Sec. 401. Repeal of the job opportunities and basic skills training program.

Sec. 402. Amendments to laws relating to child protection block grant.

## TITLE V—GENERAL EFFECTIVE DATE.

Sec. 501. Effective date.

Sec. 502. Application of amendments and repealers.

1       **TITLE I—CHILD CARE BLOCK**  
 2                                   **GRANTS**

3       **SEC. 101. AMENDMENTS TO THE CHILD CARE AND DEVEL-**  
 4                                   **OPMENT BLOCK GRANT ACT OF 1990.**

5           (a) GOALS.—Section 658A of the Child Care and De-  
 6       velopment Block Grant Act of 1990 (42 U.S.C. 9801 note)  
 7       is amended—

8                   (1) in the heading of such section by inserting  
 9           “**AND GOALS**” after “**TITLE**”,

10                   (2) by inserting “(a) SHORT TITLE.—” before  
 11           “**This**”, and

12                   (3) by adding at the end the following:

13           “(b) GOALS.—The goals of this subchapter are—

14                   “(1) to allow each State maximum flexibility in  
 15           developing child care programs and policies that best  
 16           suit the needs of children and parents within such  
 17           State;

18                   “(2) to promote parental choice to empower  
 19           working parents to make their own decisions on the  
 20           child care that best suits their family’s needs;

1           “(3) to encourage States to provide consumer  
2 education information to help parents make in-  
3 formed choices about child care;

4           “(4) to assist States to provide child care to  
5 parents trying to achieve independence from public  
6 assistance; and

7           “(5) to assist States in implementing the  
8 health, safety, licensing, and registration standards  
9 established in State regulations.”.

10       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
11 658B of the Child Care and Development Block Grant Act  
12 of 1990 (42 U.S.C. 9858) is amended to read as follows:

13 **“SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.**

14       “‘There is authorized to be appropriated to carry out  
15 this subchapter \$1,943,000,000 for each of the fiscal  
16 years 1996, 1997, 1998, 1999, and 2000.’”.

17       (c) LEAD ENTITY.—Section 658D of the Child Care  
18 and Development Block Grant Act of 1990 (42 U.S.C.  
19 9858b) is amended—

20           (1) in the heading of such section by striking  
21 **“AGENCY”** inserting **“ENTITY”**,

22           (2) in subsection (a) by inserting “or other en-  
23 tity” after “State agency”, and

24           (3) by striking “lead agency” each place it ap-  
25 pears and inserting “lead entity”.

1 (d) APPLICATION AND PLAN.—Section 658E of the  
2 Child Care and Development Block Grant Act of 1990 (42  
3 U.S.C. 9858c) is amended—

4 (1) in subsection (b)—

5 (A) by striking “implemented—” and all  
6 that follows through “(2)” and inserting “im-  
7 plemented”, and

8 (B) by striking “for subsequent State  
9 plans”,

10 (2) in subsection (c)—

11 (A) in paragraph (1)—

12 (i) in the heading of such paragraph  
13 by striking “AGENCY” and inserting “EN-  
14 TITY”, and

15 (ii) by striking “agency” and inserting  
16 “entity”,

17 (B) in paragraph (2)—

18 (i) in subparagraph (A)—

19 (I) in clause (i) by striking “,  
20 other than through assistance pro-  
21 vided under paragraph (3)(C),” and

22 (II) by striking “except” and all  
23 that follows through “1992”, and in-  
24 serting “and provide a detailed de-  
25 scription of the procedures the State

1 will implement to carry out the re-  
2 quirements of this subparagraph”,

3 (ii) in subparagraph (B)—

4 (I) by striking “Provide assur-  
5 ances” and inserting “Certify”, and

6 (II) by inserting before the pe-  
7 riod at the end “and provide a de-  
8 tailed description of such procedures”,

9 (iii) in subparagraph (C)—

10 (I) by striking “Provide assur-  
11 ances” and inserting “Certify”, and

12 (II) by inserting before the pe-  
13 riod at the end “and provide a de-  
14 tailed description of how such record  
15 is maintained and is made available”,

16 and

17 (iv) by amending subparagraph (D) to  
18 read as follows:

19 “(D) CONSUMER EDUCATION INFORMA-  
20 TION.—Provide assurances that the State will  
21 collect and disseminate to parents of eligible  
22 children and the general public, consumer edu-  
23 cation information that will promote informed  
24 child care choices.”,

25 (v) in subparagraph (E)—

1 (I) by striking “Provide assur-  
2 ances” and inserting “Certify”,

3 (II) in clause (i) by inserting  
4 “health, safety, and” after “comply  
5 with all”,

6 (III) in clause (i) by striking “;  
7 and” at the end,

8 (IV) by striking “that—” and all  
9 that follows through “(i)”, and insert-  
10 ing “that”, and

11 (V) by striking “(ii)” and all that  
12 follows through the end of such sub-  
13 paragraph, and inserting “and provide  
14 a detailed description of such require-  
15 ments and of how such requirements  
16 are effectively enforced.”, and

17 (vi) by striking subparagraphs (F),  
18 (G), (H), (I), and (J),

19 (C) in paragraph (3)—

20 (i) in subparagraph (A) by inserting  
21 “or as authorized by section 658T” before  
22 the period at the end,

23 (ii) in subparagraph (B)—

24 (I) by striking “.—Subject to the  
25 reservation contained in subparagraph

1 (C), the” and inserting “AND RELAT-  
2 ED ACTIVITIES.—The”,

3 (II) by inserting “, other than  
4 amounts transferred under section  
5 658T,” after “subchapter”,

6 (III) in clause (i) by striking “;  
7 and” at the end and inserting a pe-  
8 riod,

9 (IV) by striking “for—” and all  
10 that follows through “section  
11 658E(e)(2)(A)” and inserting “for  
12 child care services, activities that im-  
13 prove the quality or availability of  
14 such services, and any other activity  
15 that the State deems appropriate to  
16 realize any of the goals specified in  
17 paragraphs (2) through (5) of section  
18 658A(b)”, and

19 (V) by striking clause (ii), and  
20 (iii) by amending subparagraph (C) to  
21 read as follows:

22 “(C) LIMITATION ON ADMINISTRATIVE  
23 COSTS.—Not more than 5 percent of the aggre-  
24 gate amount of payments received under this  
25 subchapter by a State in each fiscal year may

1 be expended for administrative costs incurred  
2 by such State to carry out all its functions and  
3 duties under this subchapter.”,

4 (D) in paragraph (4)—

5 (i) by striking “provide assurances”  
6 and inserting “certify”,

7 (ii) in the first sentence by inserting  
8 “and shall provide a summary of the facts  
9 relied on by the State to determine that  
10 such rates are sufficient to ensure such ac-  
11 cess”, and

12 (iii) by striking the last sentence, and

13 (E) by striking paragraph (5).

14 (e) LIMITATIONS ON STATE ALLOTMENTS—Section  
15 658F(b)(2) of the Child Care and Development Block  
16 Grant Act of 1990 (42 U.S.C. 9858d(b)(2)) is amended  
17 by striking “referred to in section 658E(e)(2)(F)”.

18 (f) REPEAL OF EARMARKED REQUIRED EXPENDI-  
19 TURES.—The Child Care and Development Block Grant  
20 Act of 1990 (42 U.S.C. 9801 note) is amended by striking  
21 sections 658G and 658H.

22 (g) ADMINISTRATION AND ENFORCEMENT.—Section  
23 658I(a) of the Child Care and Development Block Grant  
24 Act of 1990 (42 U.S.C. 9858g(a)) is amended—

1 (1) in paragraph (1) by inserting “and” at the  
2 end,

3 (2) by striking paragraph (2), and

4 (3) by redesignating paragraph (3) as para-  
5 graph (2).

6 (h) PAYMENTS.—Section 658J(c) of the Child Care  
7 and Development Block Grant Act of 1990 (42 U.S.C.  
8 9858h(c)) is amended—

9 (1) by striking “expended” and inserting “obli-  
10 gated”, and

11 (2) by striking “3 fiscal years” and inserting  
12 “fiscal year”.

13 (i) ANNUAL REPORT AND AUDITS.—Section 658K of  
14 the Child Care and Development Block Grant Act of 1990  
15 (42 U.S.C. 9858i) is amended—

16 (1) in the heading of such section by inserting  
17 “, **EVALUATION PLANS,**” after “**RE-**  
18 **PORTS**”,

19 (2) in subsection (a)—

20 (A) by striking “, 1992” and inserting  
21 “following the end of the first fiscal year with  
22 respect to which the amendments made by the  
23 Welfare Reform Consolidation Act of 1995  
24 apply”,

1 (B) by amending paragraph (2) to read as  
2 follows:

3 “(2) containing data on the manner in which  
4 the child care needs of families in the State are  
5 being fulfilled, including information concerning—

6 “(A) the number and ages of children  
7 being assisted with funds provided under this  
8 subchapter;

9 “(B) with respect to the families of such  
10 children—

11 “(i) the number of other children in  
12 such families;

13 “(ii) the number of such families that  
14 include only 1 parent;

15 “(iii) the number of such families that  
16 include both parents;

17 “(iv) the ages of the mothers of such  
18 children;

19 “(v) the ages of the fathers of such  
20 children;

21 “(vi) the sources of the economic re-  
22 sources of such families, including the  
23 amount of such resources obtained from  
24 (and separately identified as being from)—

1           “(I) employment, including self-  
2 employment;

3           “(II) assistance received under  
4 part A of title IV of the Social Secu-  
5 rity Act (42 U.S.C. 601 et seq.);

6           “(III) part B of title IV of the  
7 Social Security Act (42 U.S.C. 620 et  
8 seq.);

9           “(IV) subtitle B or C of title II  
10 of the Welfare Reform Consolidation  
11 Act of 1995;

12           “(V) assistance received under  
13 title XVI of the Social Security Act  
14 (42 U.S.C. 1381 et seq.);

15           “(VI) assistance received under  
16 title XIV of the Social Security Act  
17 (42 U.S.C. 1351 et seq.);

18           “(VII) assistance received under  
19 title XIX of the Social Security Act  
20 (42 U.S.C. 1396 et seq.);

21           “(VIII) assistance received under  
22 title XX of the Social Security Act  
23 (42 U.S.C. 1397 et seq.); and

1                   “(IX) any other source of eco-  
2                   nomic resources the Secretary deter-  
3                   mines to be appropriate;

4                   “(C) the number of such providers sepa-  
5                   rately identified with respect to each type of  
6                   child care provider specified in section 658P(5)  
7                   that provided child care services obtained with  
8                   assistance provided under this subchapter;

9                   “(D) with respect to cost of such serv-  
10                  ices—

11                  “(i) the cost imposed by such provid-  
12                  ers to provide such services; and

13                  “(ii) the portion of such cost paid  
14                  with assistance provided under this sub-  
15                  chapter;

16                  “(E) with respect to consumer education  
17                  information described in section 658E(c)(2)(D)  
18                  provided by such State—

19                  “(i) the manner in which such infor-  
20                  mation was provided; and

21                  “(ii) the number of parents to whom  
22                  such information was provided; and

23                  “(F) with respect to complaints received by  
24                  such State regarding child care services ob-

1           tained with assistance provided under this sub-  
2           chapter—

3                   “(i) the number of such complaints  
4                   that were found to have merit; and

5                   “(ii) a description of the actions taken  
6                   by the State to correct the circumstances  
7                   on which such complaints were based.”,

8                   (C) by striking paragraphs (3), (4), (5),  
9                   and (6) and inserting the following:

10                   “(3) containing evidence demonstrating that the  
11                   State satisfied the requirements of section  
12                   658E(c)(2)(F); and

13                   “(4) identifying each State program operated  
14                   under a provision of law specified in section 658T to  
15                   which the State transferred funds under the author-  
16                   ity of such section, specifying the amount of funds  
17                   so transferred to such program, and containing a  
18                   justification for so transferring such amount;”, and

19                   (3) in subsection (b)—

20                   (A) in paragraph (1) by striking “a appli-  
21                   cation” and inserting “an application”,

22                   (B) in paragraph (2) by striking “any  
23                   agency administering activities that receive”  
24                   and inserting “the State that receives”, and

1 (C) in paragraph (4) by striking “entitles”  
2 and inserting “entitled”, and  
3 (4) by redesignating subsection (b) as sub-  
4 section (c), and  
5 (5) by inserting after subsection (a) the follow-  
6 ing:

7 “(b) STATE EVALUATION PLAN AND EVALUATION  
8 RESULTS.—

9 “(1) EVALUATION PLAN.—In the first report  
10 submitted under subsection (a) after the date of the  
11 enactment of the Welfare Reform Consolidation Act  
12 of 1995, and in the report for each alternating 1-  
13 year period thereafter, the State shall include a plan  
14 the State intends to carry out in the 1-year period  
15 subsequent to the period for which such report is  
16 submitted, to evaluate the extent to which the State  
17 has realized each of the goals specified in para-  
18 graphs (2) through (5) of section 658A(b). The  
19 State shall include in such plan a description of the  
20 types of data and other information the State will  
21 collect to determine whether the State has realized  
22 such goals.

23 “(2) EVALUATION RESULTS.—In the second re-  
24 port submitted under subsection (a) after the date  
25 of the enactment of the Welfare Reform Consolida-

1       tion Act of 1995, and in the report for each alter-  
2       nating 1-year period thereafter, the State shall in-  
3       clude a summary of the results of an evaluation car-  
4       ried out under the evaluation plan contained in the  
5       report submitted under subsection (a) for the pre-  
6       ceding 1-year period.”.

7       (j) REPORT BY SECRETARY.—Section 658L of the  
8       Child Care and Development Block Grant Act of 1990 (42  
9       U.S.C. 9858j) is amended—

10           (1) by striking “, 1993, and annually” and in-  
11           serting “following the end of the second fiscal year  
12           with respect to which the amendments made by the  
13           Welfare Reform Consolidation Act of 1995 apply,  
14           and biennially”,

15           (2) by striking “Committee on Education and  
16           Labor” and inserting “Speaker”,

17           (3) by striking “Committee on Labor and  
18           Human Resources” and inserting “President pro  
19           tempore”, and

20           (4) by striking the last sentence.

21       (k) REALLOTMENTS.—Section 658O of the Child  
22       Care and Development Block Grant Act of 1990 (42  
23       U.S.C. 9858m) is amended—

24           (1) in subsection (a)(1)—

1 (A) by striking “POSSESSIONS” and insert-  
2 ing “POSSESSIONS”,

3 (B) by inserting “and” after “States,”,  
4 and

5 (C) by striking “, and the Trust Territory  
6 of the Pacific Islands”,

7 (2) by amending subsection (b) to read as fol-  
8 lows:

9 “(b) STATE ALLOTMENT.—From the amount appro-  
10 priated under section 658B for each fiscal year remaining  
11 after reservations under subsection (a), the Secretary shall  
12 allot to each State (excluding Guam, American Samoa, the  
13 Virgin Islands of the United States, and the Common-  
14 wealth of the Northern Mariana Islands) an amount that  
15 bears the same ratio to the amount so appropriated for  
16 such fiscal year as the aggregate of the amounts received  
17 by the State under—

18 “(1) this subchapter for fiscal year 1994;

19 “(2) section 403 of the Social Security Act,  
20 with respect to expenditures by the State for child  
21 care under section 402(g)(1) of such Act during fis-  
22 cal year 1994; and

23 “(3) section 403(n) of the Social Security Act  
24 for fiscal year 1994;

1 bears to the aggregate of the amounts received by all the  
2 States (excluding Guam, American Samoa, the Virgin Is-  
3 lands of the United States, and the Commonwealth of the  
4 Northern Mariana Islands) under paragraphs (1), (2), and  
5 (3).”

6 (3) in subsection (c)—

7 (A) in paragraph (2)(A) by striking “agen-  
8 cy” and inserting “entity”, and

9 (B) in paragraph (5) by striking “our”  
10 and inserting “out”,

11 (4) by striking subsection (e), and

12 (5) by redesignating subsection (f) as sub-  
13 section (e).

14 (l) DEFINITIONS.—Section 658P of the Child Care  
15 and Development Block Grant Act of 1990 (42 U.S.C.  
16 9858n) is amended—

17 (1) in paragraph (5)—

18 (A) in clause (i) by striking “and” at the  
19 end and inserting “or”,

20 (B) by striking “that—” and all that fol-  
21 lows through “(i)”, and inserting “that”, and

22 (C) by striking clause (ii),

23 (2) by amending paragraph (8) to read as fol-  
24 lows:

1           “(8) LEAD ENTITY.—The term ‘lead entity’  
2 means the State agency or other entity designated  
3 under section 658B(a).”,

4           (3) by striking paragraphs (3), (10), and (12),  
5           (4) by inserting after paragraph (2) the follow-  
6 ing:

7           “(3) CHILD CARE SERVICES.—The term ‘child  
8 care services’ means services that constitute physical  
9 care of a child and may include services that are de-  
10 signed to enhance the educational, social, cultural,  
11 emotional, and recreational development of a child  
12 but that are not intended to serve as a substitute for  
13 compulsory educational services.”,

14           (5) in paragraph (13)—

15           (A) by inserting “or” after “Samoa,”, and

16           (B) by striking “, and the Trust Territory  
17 of the Pacific Islands”, and

18           (6) by redesignating paragraphs (11), (13), and  
19 (14) as paragraphs (10), (11), and (12), respec-  
20 tively.

21           (m) AUTHORITY TO TRANSFER FUNDS.— The Child  
22 Care and Development Block Grant Act of 1990 (42  
23 U.S.C. 9858 et seq.) is amended by inserting after section  
24 658S the following:

1 **“SEC. 658T. TRANSFER OF FUNDS.**

2       “(a) **AUTHORITY.**—Of the aggregate amount of pay-  
3 ments received under this subchapter by a State in each  
4 fiscal year, the State may transfer not more than 20 per-  
5 cent for use by the State to carry out State programs  
6 under 1 or more of the following provisions of law:

7           “(1) part A of title IV of the Social Security  
8 Act;

9           “(2) part B of title IV of the Social Security  
10 Act;

11           “(3) subtitle B or C of title II of the Welfare  
12 Reform Consolidation Act of 1995; and

13           “(4) title XX of the Social Security Act (42  
14 U.S.C. 1397 et seq.).

15       “(b) **REQUIREMENTS APPLICABLE TO FUNDS**  
16 **TRANSFERRED.**—Funds transferred under subsection (a)  
17 to carry out a State program operated under a provision  
18 of law specified in such subsection shall not be subject to  
19 the requirements of this subchapter, but shall be subject  
20 to the same requirements that apply to Federal funds pro-  
21 vided directly under such provision of law to carry out  
22 such program.”.

1 **SEC. 102. REPEAL OF CHILD CARE ASSISTANCE AUTHOR-**  
2 **IZED BY ACTS OTHER THAN THE SOCIAL SE-**  
3 **CURITY ACT.**

4 (a) CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP  
5 ASSISTANCE ACT OF 1985.—Title VI of the Human Serv-  
6 ices Reauthorization Act of 1986 (42 U.S.C. 10901–  
7 10905) is repealed.

8 (b) STATE DEPENDENT CARE DEVELOPMENT  
9 GRANTS ACT.—Subchapter E of chapter 8 of subtitle A  
10 of title VI of the Omnibus Budget Reconciliation Act of  
11 1981 (42 U.S.C. 9871–9877) is repealed.

12 (c) PROGRAMS OF NATIONAL SIGNIFICANCE.—Title  
13 X of the Elementary and Secondary Education Act of  
14 1965, as amended by Public Law 103–382 (108 Stat.  
15 3809 et seq.), is amended—

16 (1) in section 10413(a) by striking paragraph  
17 (4),

18 (2) in section 10963(b)(2) by striking subpara-  
19 graph (G), and

20 (3) in section 10974(a)(6) by striking subpara-  
21 graph (G).

22 (d) NATIVE HAWAIIAN FAMILY-BASED EDUCATION  
23 CENTERS.—Section 9205 of the Native Hawaiian Edu-  
24 cation Act (Public Law 103–382; 108 Stat. 3794) is re-  
25 pealed.

1 **SEC. 103. REPEAL OF CERTAIN CHILD CARE PROGRAMS AU-**  
2 **THORIZED UNDER THE SOCIAL SECURITY**  
3 **ACT.**

4 (a) AFDC AND TRANSITIONAL CHILD CARE PRO-  
5 GRAMS.—Section 402 of the Social Security Act (42  
6 U.S.C. 602) is amended by striking subsection (g).

7 (b) AT-RISK CHILD CARE PROGRAM.—

8 (1) AUTHORIZATION.—Section 402 of such Act  
9 (42 U.S.C. 602) is amended by striking subsection  
10 (i).

11 (2) FUNDING PROVISIONS.—Section 403 of  
12 such Act (42 U.S.C. 603) is amended by striking  
13 subsection (n).

14 **TITLE II—FAMILY AND SCHOOL-**  
15 **BASED NUTRITION BLOCK**  
16 **GRANTS**

17 **Subtitle A—General Provisions**

18 **SEC. 201. DEFINITIONS.**

19 For purposes of this title:

20 (1) BREASTFEEDING WOMEN.—The term  
21 “breastfeeding women” means women up to 1 year  
22 postpartum who are breastfeeding their infants.

23 (2) ECONOMICALLY DISADVANTAGED.—The  
24 term “economically disadvantaged” means an indi-  
25 vidual or a family, as the case may be, whose annual  
26 income does not exceed 185 percent of the applicable

1 family size income levels contained in the most re-  
2 cent income poverty guidelines prescribed by the Of-  
3 fice of Management and Budget and based on data  
4 from the Bureau of the Census.

5 (3) INFANTS.—The term “infants” means indi-  
6 viduals under 1 year of age.

7 (4) POSTPARTUM WOMEN.—The term  
8 “postpartum women” means women who are in the  
9 180-day period beginning on the termination of  
10 pregnancy.

11 (5) PREGNANT WOMEN.—The term “pregnant  
12 women” means women who have 1 or more fetuses in  
13 utero.

14 (6) SCHOOL.—The term “school” means an ele-  
15 mentary, intermediate, or secondary school.

16 (7) SECRETARY.—The term “Secretary” means  
17 the Secretary of Agriculture.

18 (8) STATE.—The term “State” means any of  
19 the several States, the District of Columbia, the  
20 Commonwealth of Puerto Rico, Guam, the Virgin Is-  
21 lands of the United States, American Samoa, the  
22 Commonwealth of the Northern Mariana Islands, or  
23 a tribal organization that exercises governmental ju-  
24 risdiction over a geographically defined area.



1           (2) to provide nutritional risk assessments of  
2 such women in order to provide food assistance and  
3 nutrition education which meets their specific needs;

4           (3) to provide nutrition education to such  
5 women in order to increase their awareness of the  
6 types of foods which should be consumed to main-  
7 tain good health;

8           (4) to provide food assistance, including nutri-  
9 tious meal supplements, to such women in order to  
10 reduce incidences of low-birthweight babies and ba-  
11 bies born with birth defects as a result of nutritional  
12 deficiencies;

13           (5) to provide food assistance, including nutri-  
14 tious meal supplements, to such women, infants, and  
15 young children in order to ensure their future good  
16 health;

17           (6) to ensure that such women are referred to  
18 other health services when necessary;

19           (7) to ensure that children from economically  
20 disadvantaged families in day care facilities, family  
21 day care homes, homeless shelters, settlement  
22 houses, recreational centers, Head Start centers,  
23 Even Start programs and child care facilities for  
24 children with disabilities receive nutritious meals,  
25 supplements, and low-cost milk; and

1           (8) to provide summer food service programs to  
2           meet the nutritional needs of children from economi-  
3           cally disadvantaged families during months when  
4           school is not in session.

5           (c) TIMING OF PAYMENTS.—The Secretary shall pro-  
6           vide payments under a grant under this subtitle to States  
7           on a quarterly basis.

8           **SEC. 222. ALLOTMENT.**

9           The Secretary shall allot the amount appropriated to  
10          carry out this subtitle for a fiscal year among the States  
11          as follows:

12           (1) FIRST FISCAL YEAR.—

13           (A) IN GENERAL.—With respect to the  
14           first fiscal year for which the Secretary provides  
15           grants to States under this subtitle, the amount  
16           allotted to each State shall bear the same pro-  
17           portion to such remainder as the aggregate of  
18           the amounts described in subparagraph (B)  
19           that were received by each such State under the  
20           provisions of law described in such subpara-  
21           graph (as such provisions of law were in effect  
22           on the day before the date of the enactment of  
23           this Act) for the preceding fiscal year bears to  
24           the aggregate of the amounts described in sub-  
25           paragraph (B) that were received by all such

1 States under such provisions of law for such  
2 preceding fiscal year.

3 (B) AMOUNTS DESCRIBED.—The amounts  
4 described in this subparagraph are the follow-  
5 ing:

6 (i) The amount received under the  
7 special supplemental nutrition program for  
8 women, infants, and children under section  
9 17 of the Child Nutrition Act of 1966 (42  
10 U.S.C. 1786).

11 (ii) The amount received under the  
12 homeless children nutrition program estab-  
13 lished under section 17B of the National  
14 School Lunch Act (42 U.S.C. 1766b).

15 (iii) 87.5 percent of the sum of the  
16 amounts received under the following pro-  
17 grams:

18 (I) The child and adult care food  
19 program under section 17 of the Na-  
20 tional School Lunch Act (42 U.S.C.  
21 1766), except for subsection (o) of  
22 such section.

23 (II) The summer food service  
24 program for children established

1 under section 13 of the National  
2 School Lunch Act (42 U.S.C. 1761).

3 (III) The special milk program  
4 established under section 3 of the  
5 Child Nutrition Act of 1966 (42  
6 U.S.C. 1772).

7 (2) SECOND FISCAL YEAR.—With respect to the  
8 second fiscal year for which the Secretary provides  
9 grants to States under this subtitle—

10 (A) 90 percent of such remainder shall be  
11 allotted among the States by allotting to each  
12 State an amount that bears the same propor-  
13 tion to such remainder as the amount allotted  
14 to each such State from a grant under this sub-  
15 title for the preceding fiscal year bears to the  
16 aggregate of the amounts allotted to all such  
17 States from grants under this subtitle for such  
18 preceding fiscal year; and

19 (B) 10 percent of such remainder shall be  
20 allotted among the States by allotting to each  
21 State an amount that bears the same propor-  
22 tion to such remainder as the relative number  
23 of individuals receiving assistance during the 1-  
24 year period ending on June 30 of the preceding  
25 fiscal year in such State from amounts received

1 from a grant under this subtitle for such pre-  
2 ceding fiscal year bears to the total number of  
3 individuals receiving assistance in all States  
4 from amounts received from grants under this  
5 subtitle for the preceding fiscal year.

6 (3) THIRD FISCAL YEAR.—With respect to the  
7 third fiscal year for which the Secretary provides  
8 grants to States under this subtitle—

9 (A) 80 percent of such remainder shall be  
10 allotted among the States by allotting to each  
11 State an amount determined in accordance with  
12 the formula described in paragraph (2)(A); and

13 (B) 20 percent of such remainder shall be  
14 allotted among the States by allotting to each  
15 State an amount determined in accordance with  
16 the formula described in paragraph (2)(B).

17 (4) FOURTH FISCAL YEAR.—With respect to  
18 the fourth fiscal year for which the Secretary pro-  
19 vides grants to States under this subtitle—

20 (A) 70 percent of such remainder shall be  
21 allotted among the States by allotting to each  
22 State an amount determined in accordance with  
23 the formula described in paragraph (2)(A); and

24 (B) 30 percent of such remainder shall be  
25 allotted among the States by allotting to each

1 State an amount determined in accordance with  
2 the formula described in paragraph (2)(B).

3 (5) FIFTH FISCAL YEAR.—With respect to the  
4 fifth fiscal year for which the Secretary provides  
5 grants to States under this subtitle—

6 (A) 60 percent of such remainder shall be  
7 allotted among the States by allotting to each  
8 State an amount determined in accordance with  
9 the formula described in paragraph (2)(A); and

10 (B) 40 percent of such remainder shall be  
11 allotted among the States by allotting to each  
12 State an amount determined in accordance with  
13 the formula described in paragraph (2)(B).

14 **SEC. 223. APPLICATION.**

15 The Secretary may provide a grant under this subtitle  
16 to a State for a fiscal year only if the State submits to  
17 the Secretary an application containing only—

18 (1) an agreement that the State will use  
19 amounts received from such grant in accordance  
20 with section 224;

21 (2) an agreement that the State will set mini-  
22 mum nutritional requirements for food assistance  
23 provided under this subtitle based on the most re-  
24 cent tested nutritional research available, except  
25 that—

1 (A) such requirements shall not be con-  
2 strued to prohibit the substitution of foods to  
3 accommodate the medical or other special die-  
4 tary needs of individual students; and

5 (B) such requirements shall, at a mini-  
6 mum, be based on—

7 (i) the weekly average of the nutrient  
8 content of school lunches; or

9 (ii) such other standards as the State  
10 may prescribe;

11 (3) an agreement that the State will take such  
12 reasonable steps as the State deems necessary to re-  
13 strict the use and disclosure of information about in-  
14 dividuals and families receiving assistance under this  
15 subtitle;

16 (4) an agreement that the State will use not  
17 more than 5 percent of the amount of such grant for  
18 administrative costs incurred to provide assistance  
19 under this subtitle, except that costs associated with  
20 the nutritional risk assessment of individuals de-  
21 scribed in section 224(a)(1) and costs associated  
22 with nutrition education and counseling provided to  
23 such individuals shall not be considered to be admin-  
24 istrative costs; and

1           (5) an agreement that the State will submit to  
2           the Secretary a report in accordance with section  
3           225.

4 **SEC. 224. USE OF AMOUNTS.**

5           (a) IN GENERAL.—The Secretary may provide a  
6           grant under this subtitle to a State only if the State agrees  
7           that it will use all amounts received from such grant—

8                   (1) subject to subsection (b), to provide nutri-  
9                   tional risk assessment, food assistance based on such  
10                  risk assessment, and nutrition education and coun-  
11                  seling to economically disadvantaged pregnant  
12                  women, postpartum women, breastfeeding women,  
13                  infants, and young children who are determined to  
14                  be at nutritional risk;

15                   (2) to provide milk in nonprofit nursery schools,  
16                  child care centers, settlement houses, summer  
17                  camps, and similar institutions devoted to the care  
18                  and training of children, to children from economi-  
19                  cally disadvantaged families;

20                   (3) to provide food service programs in institu-  
21                  tions and family day care homes providing child care  
22                  to children from economically disadvantaged fami-  
23                  lies;

24                   (4) to provide summer food service programs  
25                  carried out by nonprofit food authorities, local gov-

1 ernments, nonprofit higher education institutions  
2 participating in the National Youth Sports Program,  
3 and residential nonprofit summer camps to children  
4 from economically disadvantaged families; and

5 (5) to provide nutritious meals to pre-school age  
6 homeless children in shelters and other facilities  
7 serving the homeless population.

8 (b) ADDITIONAL REQUIREMENT.—The State shall  
9 ensure that not less than 80 percent of the amount of the  
10 grant is used to provide nutritional risk assessment, food  
11 assistance based on such nutritional risk assessment, and  
12 nutrition education and counseling to economically dis-  
13 advantaged pregnant women, postpartum women,  
14 breastfeeding women, infants, and young children under  
15 subsection (a)(1).

16 (c) AUTHORITY TO USE AMOUNTS FOR OTHER PUR-  
17 POSES.—

18 (1) IN GENERAL.—A State may use not more  
19 than 20 percent of amounts received from a grant  
20 under this subtitle for a fiscal year to carry out a  
21 State program pursuant to any or all of the follow-  
22 ing provisions of law:

23 (A) Part A of title IV of the Social Secu-  
24 rity Act (42 U.S.C. 601 et seq.).

1 (B) Part B of title IV of the Social Secu-  
2 rity Act (42 U.S.C. 620 et seq.).

3 (C) Title XX of the Social Security Act  
4 (42 U.S.C. 1397 et seq.).

5 (D) Subtitle C of this title.

6 (E) The Child Care and Development  
7 Block Grant Act of 1990 (42 U.S.C. 9858 et  
8 seq.).

9 (2) RULES GOVERNING USE OF AMOUNTS FOR  
10 OTHER PURPOSES.—Amounts paid to the State  
11 under a grant under this subtitle that are used to  
12 carry out a State program pursuant to a provision  
13 of law specified in paragraph (1) shall not be subject  
14 to the requirements of this subtitle, but shall be sub-  
15 ject to the same requirements that apply to Federal  
16 funds provided directly under the provision of law to  
17 carry out the program.

18 **SEC. 225. REPORTS.**

19 The Secretary may provide a grant under this subtitle  
20 to a State for a fiscal year only if the State agrees that  
21 it will submit, for such fiscal year, a report to the Sec-  
22 retary describing—

23 (1) the number of individuals receiving assist-  
24 ance under the grant in accordance with each of  
25 paragraphs (1) through (5) of section 224;

1           (2) the different types of assistance provided to  
2 such individuals in accordance with such para-  
3 graphs;

4           (3) the extent to which such assistance was ef-  
5 fective in achieving the goals described in section  
6 221(b);

7           (4) the standards and methods the State is  
8 using to ensure the nutritional quality of such assist-  
9 ance, including meals and supplements;

10           (5) the number of low birthweight births in the  
11 State in such fiscal year compared to the number of  
12 such births in the State in the previous fiscal year;  
13 and

14           (6) any other information the Secretary deter-  
15 mines to be appropriate.

16 **SEC. 226. PENALTIES.**

17           (a) PENALTY FOR USE OF AMOUNTS IN VIOLATION  
18 OF THIS SUBTITLE.—

19           (1) IN GENERAL.—The Secretary shall reduce  
20 the amounts otherwise payable to a State under a  
21 grant under this subtitle by any amount paid to the  
22 State under this subtitle which an audit conducted  
23 pursuant to chapter 75 of title 31, United States  
24 Code, finds has been used in violation of this sub-  
25 title.



1           (1) IN GENERAL.—In the case of each State  
2 that in accordance with section 253 submits to the  
3 Secretary of Agriculture an application for a fiscal  
4 year, each such State shall be entitled to receive  
5 from the Secretary for such fiscal year a grant for  
6 the purpose of achieving the goals described in sub-  
7 section (b). Subject to paragraph (2), the grant shall  
8 consist of the allotment for such State determined  
9 under section 252 of the school-based nutrition  
10 amount for the fiscal year.

11           (2) REQUIREMENT TO PROVIDE COMMOD-  
12 ITIES.—9 percent of the amount of the assistance  
13 available under this subtitle for each State shall be  
14 in the form of commodities.

15           (3) SCHOOL-BASED NUTRITION AMOUNT.—For  
16 purposes of this subtitle, the term “school-based nu-  
17 trition amount” means \$6,681,000,000 for fiscal  
18 year 1996, \$6,956,000,000 for fiscal year 1997,  
19 \$7,237,000,000 for fiscal year 1998,  
20 \$7,538,000,000 for fiscal year 1999, and  
21 \$7,849,000,000 for fiscal year 2000.

22           (4) AVAILABILITY.—Payments under a grant to  
23 a State from the allotment determined under section  
24 252 for any fiscal year may be obligated by the

1 State in that fiscal year or in the succeeding fiscal  
2 year.

3 (b) GOALS.—The goals of this subtitle are—

4 (1) to safeguard the health and well-being of  
5 children through the provision of nutritious, well-bal-  
6 anced meals and food supplements;

7 (2) to provide economically disadvantaged chil-  
8 dren access to nutritious free or low cost meals, food  
9 supplements, and low-cost milk;

10 (3) to ensure that children served under this  
11 subtitle are receiving the nutrition they require to  
12 take advantage of the educational opportunities pro-  
13 vided to them;

14 (4) to emphasize foods which are naturally good  
15 sources of vitamins and minerals over foods which  
16 have been enriched with vitamins and minerals and  
17 are high in fat or sodium content;

18 (5) to provide a comprehensive school nutrition  
19 program for children; and

20 (6) to minimize paperwork burdens and admin-  
21 istrative expenses for participating schools.

22 (c) TIMING OF PAYMENTS.—The Secretary shall pro-  
23 vide payments under a grant under this subtitle to States  
24 on a quarterly basis.

1 **SEC. 252. ALLOTMENT.**

2 The Secretary shall allot the amount appropriated to  
3 carry out this subtitle for a fiscal year among the States  
4 as follows:

5 (1) FIRST FISCAL YEAR.—

6 (A) IN GENERAL.—With respect to the  
7 first fiscal year for which the Secretary provides  
8 grants to States under this subtitle, the amount  
9 allotted to each State shall bear the same pro-  
10 portion to such remainder as the aggregate of  
11 the amounts described in subparagraph (B)  
12 that were received by each such State under the  
13 provisions of law described in such subpara-  
14 graph (as such provisions of law were in effect  
15 on the day before the date of the enactment of  
16 this Act) for the preceding fiscal year bears to  
17 the aggregate of the amounts described in sub-  
18 paragraph (B) that were received by all such  
19 States under such provisions of law for such  
20 preceding fiscal year.

21 (B) AMOUNTS DESCRIBED.—The amounts  
22 described in this subparagraph are the follow-  
23 ing:

24 (i) The amount received under the  
25 school breakfast program established under

1 section 4 of the Child Nutrition Act of  
2 1966 (42 U.S.C. 1773).

3 (ii) The amount received under the  
4 school lunch program established under the  
5 National School Lunch Act (42 U.S.C.  
6 1751 et seq.).

7 (iii) 12.5 percent of the sum of the  
8 amounts received under the following pro-  
9 grams:

10 (I) The child and adult care food  
11 program under section 17 of the Na-  
12 tional School Lunch Act (42 U.S.C.  
13 1766), except for subsection (o) of  
14 such section.

15 (II) The summer food service  
16 program for children established  
17 under section 13 of the National  
18 School Lunch Act (42 U.S.C. 1761).

19 (III) The special milk program  
20 established under section 3 of the  
21 Child Nutrition Act of 1966 (42  
22 U.S.C. 1772).

23 (2) SECOND FISCAL YEAR.—With respect to the  
24 second fiscal year for which the Secretary provides  
25 grants to States under this subtitle—

1 (A) 90 percent of such remainder shall be  
2 allotted among the States by allotting to each  
3 State an amount that bears the same propor-  
4 tion to such remainder as the amount allotted  
5 to each such State from a grant under this sub-  
6 title for the preceding fiscal year bears to the  
7 aggregate of the amounts allotted to all such  
8 States from grants under this subtitle for such  
9 preceding fiscal year; and

10 (B) 10 percent of such remainder shall be  
11 allotted among the States by allotting to each  
12 State an amount that bears the same propor-  
13 tion to such remainder as the relative number  
14 of meals served during the 1-year period ending  
15 on June 30 of the preceding fiscal year in a  
16 State from amounts received from a grant  
17 under this subtitle for such preceding fiscal  
18 year bears to the total number of meals served  
19 in all States from amounts received from grants  
20 under this subtitle for the preceding fiscal year.

21 (3) THIRD FISCAL YEAR.—With respect to the  
22 third fiscal year for which the Secretary provides  
23 grants to States under this subtitle—

24 (A) 80 percent of such remainder shall be  
25 allotted among the States by allotting to each

1 State an amount determined in accordance with  
2 the formula described in paragraph (2)(A); and

3 (B) 20 percent of such remainder shall be  
4 allotted among the States by allotting to each  
5 State an amount determined in accordance with  
6 the formula described in paragraph (2)(B).

7 (4) FOURTH FISCAL YEAR.—With respect to  
8 the fourth fiscal year for which the Secretary pro-  
9 vides grants to States under this subtitle—

10 (A) 70 percent of such remainder shall be  
11 allotted among the States by allotting to each  
12 State an amount determined in accordance with  
13 the formula described in paragraph (2)(A); and

14 (B) 30 percent of such remainder shall be  
15 allotted among the States by allotting to each  
16 State an amount determined in accordance with  
17 the formula described in paragraph (2)(B).

18 (5) FIFTH FISCAL YEAR.—With respect to the  
19 fifth fiscal year for which the Secretary provides  
20 grants to States under this subtitle—

21 (A) 60 percent of such remainder shall be  
22 allotted among the States by allotting to each  
23 State an amount determined in accordance with  
24 the formula described in paragraph (2)(A); and

1 (B) 40 percent of such remainder shall be  
2 allotted among the States by allotting to each  
3 State an amount determined in accordance with  
4 the formula described in paragraph (2)(B).

5 **SEC. 253. APPLICATION.**

6 The Secretary may provide a grant under this subtitle  
7 to a State for a fiscal year only if the State submits to  
8 the Secretary an application containing only—

9 (1) an agreement that the State will use  
10 amounts received from such grant in accordance  
11 with section 254;

12 (2) an agreement that the State will set mini-  
13 mum nutritional requirements for meals provided  
14 under this subtitle based on the most recent tested  
15 nutritional research available, except that—

16 (A) such requirements shall not be con-  
17 strued to prohibit the substitution of foods to  
18 accommodate the medical or other special die-  
19 tary needs of individual students; and

20 (B) such requirements shall, at a mini-  
21 mum, be based on—

22 (i) the weekly average of the nutrient  
23 content of school lunches; or

24 (ii) such other standards as the State  
25 may prescribe;

1           (3) an agreement that the State will take such  
2 reasonable steps as the State deems necessary to re-  
3 strict the use and disclosure of information about in-  
4 dividuals and families receiving assistance under this  
5 subtitle;

6           (4) an agreement that the State will use not  
7 more than 2 percent of the amount of such grant for  
8 administrative costs incurred to provide assistance  
9 under this subtitle; and

10           (5) an agreement that the State will submit to  
11 the Secretary a report in accordance with section  
12 255.

13 **SEC. 254. USE OF AMOUNTS.**

14           (a) IN GENERAL.—The Secretary may provide a  
15 grant under this subtitle to a State only if the State agrees  
16 that it will use all amounts received from such grant to  
17 provide assistance to schools to establish and carry out  
18 nutritious food service programs that provide affordable  
19 meals and supplements to students, which may include—

20           (1) nonprofit school breakfast programs;

21           (2) nonprofit school lunch programs;

22           (3) nonprofit before and after school supple-  
23 ment programs;

24           (4) nonprofit low-cost milk services; and

25           (5) nonprofit summer meals programs.

1 (b) ADDITIONAL REQUIREMENT.—In providing as-  
2 sistance to schools to establish and carry out nutritious  
3 food service programs in accordance with subsection (a),  
4 the State shall ensure that not less than 80 percent of  
5 the amount of the grant is used to provide free or low  
6 cost meals or supplements to economically disadvantaged  
7 children.

8 (c) AUTHORITY TO USE AMOUNTS FOR OTHER PUR-  
9 POSES.—

10 (1) IN GENERAL.—A State may use not more  
11 than 20 percent of amounts received from a grant  
12 under this subtitle for a fiscal year to carry out a  
13 State program pursuant to any or all of the follow-  
14 ing provisions of law:

15 (A) Part A of title IV of the Social Secu-  
16 rity Act (42 U.S.C. 601 et seq.).

17 (B) Part B of title IV of the Social Secu-  
18 rity Act (42 U.S.C. 620 et seq.).

19 (C) Title XX of the Social Security Act  
20 (42 U.S.C. 1397 et seq.).

21 (D) Subtitle B of this title.

22 (E) The Child Care and Development  
23 Block Grant Act of 1990 (42 U.S.C. 9858 et  
24 seq.).

1           (2) RULES GOVERNING USE OF AMOUNTS FOR  
2 OTHER PURPOSES.—Amounts paid to the State  
3 under a grant under this subtitle that are used to  
4 carry out a State program pursuant to a provision  
5 of law specified in paragraph (1) shall not be subject  
6 to the requirements of this subtitle, but shall be sub-  
7 ject to the same requirements that apply to Federal  
8 funds provided directly under the provision of law to  
9 carry out the program.

10       (d) LIMITATION ON PROVISION OF COMMODITIES TO  
11 CERTAIN SCHOOL DISTRICTS.—

12           (1) IN GENERAL.—A State may not require a  
13 school district described in paragraph (2), except  
14 upon the request of such school district, to accept  
15 commodities for use in the food service program of  
16 such school district in accordance with this section.  
17 Such schools may continue to receive commodity as-  
18 sistance in the form that they received such assist-  
19 ance as of January 1, 1987.

20           (2) SCHOOL DISTRICT DESCRIBED.—A school  
21 district described in this paragraph is a school dis-  
22 trict that as of January 1, 1987, was receiving all  
23 cash payments or all commodity letters of credit in  
24 lieu of entitlement commodities for the school lunch  
25 program of such school district under section 18(b)

1 of the National School Lunch Act (42 U.S.C. 1751  
2 et seq.), as such section was in effect on the day be-  
3 fore the date of the enactment of this Act.

4 **SEC. 255. REPORTS.**

5 The Secretary may provide a grant under this subtitle  
6 to a State for a fiscal year only if the State agrees that  
7 it will submit, for such fiscal year, a report to the Sec-  
8 retary describing—

9 (1) the number of individuals receiving assist-  
10 ance under the grant;

11 (2) the different types of assistance provided to  
12 such individuals;

13 (3) the total number of meals served to stu-  
14 dents under the grant, including the percentage of  
15 such meals served to economically disadvantaged  
16 students;

17 (4) the extent to which such assistance was ef-  
18 fective in achieving the goals described in section  
19 251(b);

20 (5) the standards and methods the State is  
21 using to ensure the nutritional quality of such assist-  
22 ance, including meals and supplements; and

23 (6) any other information the Secretary deter-  
24 mines to be appropriate.

1 **SEC. 256. PENALTIES.**

2 (a) PENALTY FOR USE OF AMOUNTS IN VIOLATION  
3 OF THIS SUBTITLE.—

4 (1) IN GENERAL.—The Secretary shall reduce  
5 the amounts otherwise payable to a State under a  
6 grant under this subtitle by any amount paid to the  
7 State under this subtitle which an audit conducted  
8 pursuant to chapter 75 of title 31, United States  
9 Code, finds has been used in violation of this sub-  
10 title.

11 (2) LIMITATION.—In carrying out paragraph  
12 (1), the Secretary shall not reduce any quarterly  
13 payment by more than 25 percent.

14 (b) PENALTY FOR FAILURE TO SUBMIT REQUIRED  
15 REPORT.—The Secretary shall reduce by 3 percent the  
16 amount otherwise payable to a State under a grant under  
17 this subtitle for a fiscal year if the Secretary determines  
18 that the State has not submitted the report required by  
19 section 225 for the immediately preceding fiscal year,  
20 within 6 months after the end of the immediately preced-  
21 ing fiscal year.

22 **SEC. 257. WAIVER OF STATE LAW PROHIBITING ASSIST-**  
23 **ANCE TO CHILDREN ENROLLED IN PRIVATE**  
24 **ELEMENTARY AND SECONDARY SCHOOLS.**

25 If, by reason of any other provision of law, a State  
26 is prohibited from providing assistance received from a

1 grant under this subtitle for children enrolled in a private  
2 elementary or secondary school, the Secretary shall ar-  
3 range for the provision of such assistance to such children  
4 through arrangements which shall be subject to the re-  
5 quirements of this subtitle.

6                   **Subtitle D—Miscellaneous**  
7                   **Provisions**

8 **SEC. 291. REPEALERS.**

9           The following Acts are repealed:

10                   (1) The Child Nutrition Act of 1966 (42 U.S.C.  
11                   1771 et seq.).

12                   (2) The National School Lunch Act (42 U.S.C.  
13                   1751 et seq.).

14                   (3) The Commodity Distribution Reform Act  
15                   and WIC Amendments of 1987 (Public Law 100-  
16                   237; 101 Stat. 1733).

17                   (4) The Child Nutrition and WIC Reauthoriza-  
18                   tion Act of 1989 (Public Law 101-147; 103 Stat.  
19                   877).

1 **TITLE III—RESTRICTING ALIEN**  
2 **ELIGIBILITY FOR CERTAIN**  
3 **EDUCATION, TRAINING, AND**  
4 **OTHER PROGRAMS**

5 **SEC. 301. RESTRICTIONS ON ELIGIBILITY OF ALIENS FOR**  
6 **CERTAIN PROGRAMS.**

7 (a) IN GENERAL.—Notwithstanding any other provi-  
8 sion of law and except as provided in subsection (c)—

9 (1) DISQUALIFICATION OF ILLEGAL ALIENS.—  
10 An alien who is not lawfully present in the United  
11 States is not eligible for any program referred to in  
12 subsection (d).

13 (2) RESTRICTION ON LEGAL ALIENS.—An alien  
14 who is lawfully present in the United States is not  
15 eligible for any program referred to in subsection (d)  
16 unless—

17 (A) the alien is a lawful resident alien (as  
18 defined in subsection (b)); and

19 (B) the alien—

20 (i) has fulfilled the residence require-  
21 ments, and has an application pending, for  
22 naturalization under the Immigration and  
23 Nationality Act; or

24 (ii)(I) is a veteran (as defined in sec-  
25 tion 101 of title 38, United States Code)

1 with a discharge characterized as an hon-  
2 orable discharge,

3 (II) is on active duty (other than ac-  
4 tive duty for training) in the Armed Forces  
5 of the United States, or

6 (III) is the spouse or unmarried de-  
7 pendent child of an individual described in  
8 subclause (I) or (II).

9 (b) **LAWFUL RESIDENT ALIEN DEFINED.**—As used  
10 in this section, the term “lawful resident alien” means any  
11 of the following:

12 (1) **LAWFUL PERMANENT RESIDENTS.**—An  
13 alien lawfully admitted for permanent residence (as  
14 defined in section 101(a)(20) of the Immigration  
15 and Nationality Act).

16 (2) **REFUGEES.**—An alien admitted as a refu-  
17 gee under section 207 of such Act.

18 (3) **ASYLEES.**—An alien granted asylum under  
19 section 208 of such Act.

20 (4) **WITHHOLDING OF DEPORTATION.**—An alien  
21 whose deportation has been withheld under section  
22 243(h) of such Act.

23 (5) **PAROLEES.**—An alien who has been paroled  
24 into the United States under section 212(d)(5) of  
25 such Act over a period of at least 1 year.

1 (c) EXCEPTIONS.—

2 (1) TIME-LIMITED EXCEPTION FOR REFU-  
3 GEES.—Subsection (a) shall not apply to an alien  
4 described in subsection (b)(2) until 5 years after the  
5 date of the alien’s arrival into the United States.

6 (2) CERTAIN LONG-TERM, PERMANENT RESI-  
7 DENT, AGED ALIENS.—Subsection (a) shall not  
8 apply to an alien who—

9 (A) has been lawfully admitted to the  
10 United States for permanent residence;

11 (B) is at least 76 years of age; and

12 (C) has resided in the United States for at  
13 least 5 years.

14 (3) ONE-YEAR CURRENT RESIDENT EXCEP-  
15 TION.—Subsection (a) shall not apply to the eligi-  
16 bility of an alien for a program referred to in sub-  
17 section (d) until 1 year after the date of the enact-  
18 ment of this Act if, on such date of enactment, the  
19 alien is residing in the United States and is eligible  
20 for the program.

21 (d) PROGRAMS COVERED.—A program referred to in  
22 this subsection is any of the following programs:

23 (1) HIGHER EDUCATION PROGRAMS.—

1 (A) The program of basic educational op-  
2 portunity grants under subpart 1 of part A of  
3 title IV of the Higher Education Act of 1965.

4 (B) The program of Federal supplemental  
5 education opportunity grants under subpart 3  
6 of part A of title IV of such Act.

7 (C) The program of grants to States for  
8 State student incentives under subpart 4 of  
9 part A of title IV of the Higher Education Act  
10 of 1965.

11 (D) The program of Federal student loans  
12 (Stafford loans) under part B of title IV of  
13 such Act.

14 (E) The program of Federal work-study  
15 under part C of title IV of such Act.

16 (F) The direct student loan program under  
17 part D of title IV of such Act.

18 (G) The Federal Perkins loan program  
19 under part E of title IV of such Act.

20 (H) All graduate programs under title IX  
21 of such Act.

22 (2) JOB TRAINING PROGRAMS.—

23 (A) The program of training for disadvan-  
24 tagged adults under part A of title II of the Job

1 Training Partnership Act (29 U.S.C. 1601 et  
2 seq.).

3 (B) The program of training for disadvan-  
4 tagged youth under part C of such Act (29  
5 U.S.C. 1641 et seq.).

6 (C) The Job Corps program under part B  
7 of title IV of such Act (29 U.S.C. 1692 et seq.).

8 (D) A summer youth employment and  
9 training program under part B of title II of  
10 such Act (29 U.S.C. 1630 et seq.).

11 (3) OLDER AMERICAN-RELATED PROGRAMS.—

12 (A) A program carried out under the Older  
13 American Community Service Employment Act  
14 (42 U.S.C. 3001 et seq.).

15 (B) A program under title III of the Older  
16 Americans Act of 1965.

17 (4) DOMESTIC VOLUNTEER SERVICE.—

18 (A) A program carried out under part B of  
19 title II of the Domestic Volunteer Service Act  
20 of 1973 (42 U.S.C. 5011–5012).

21 (B) A program carried out under part C of  
22 title II of such Act (42 U.S.C. 5013).

23 (5) LOW-INCOME ENERGY ASSISTANCE.—The  
24 program under the Low-Income Energy Assistance  
25 Act of 1981 (42 U.S.C. 8621 et seq.).

1           (6) COMMUNITY SERVICES.—A program carried  
2           out under the Community Services Block Grant Act  
3           (42 U.S.C. 9901 et seq.).

4           (7) CHILD CARE.—A program carried out  
5           under the Child Care and Development Block Grant  
6           Act of 1990 (42 U.S.C. 9858 et seq.).

7           (e) NOTIFICATION.—Each Federal agency that ad-  
8           ministers a program referred to in subsection (d) shall,  
9           directly or through the States, post information and pro-  
10          vide general notification to the public and program recipi-  
11          ents of the requirements concerning alien eligibility for  
12          any such program pursuant to this section.

13       **TITLE IV—OTHER REPEALERS**  
14       **AND CONFORMING AMEND-**  
15       **MENTS**

16       **SEC. 401. REPEAL OF THE JOB OPPORTUNITIES AND BASIC**  
17       **SKILLS TRAINING PROGRAM.**

18           (a) REPEALER.—Part F of title IV of the Social Se-  
19          curity Act (42 U.S.C. 681–687) is repealed.

20           (b) FUNDING PROVISIONS.—Section 403 of such Act  
21          (42 U.S.C. 603) is amended by striking subsections (k)  
22          and (l), except that subparagraph (A) of such section  
23          403(l)(3) shall remain in effect for purposes of applying  
24          any reduction in payment rates required by such subpara-

1 graph for any of the fiscal years specified in such subpara-  
2 graph.

3 (c) CONFORMING AMENDMENT.—Section 402(a) of  
4 such Act (42 U.S.C. 602(a)) is amended by striking para-  
5 graph (19).

6 **SEC. 402. AMENDMENTS TO LAWS RELATING TO CHILD**  
7 **PROTECTION BLOCK GRANT.**

8 (a) ABANDONED INFANTS ASSISTANCE.—

9 (1) REPEALER.—The Abandoned Infants As-  
10 sistance Act of 1988 (42 U.S.C. 670 note) is re-  
11 pealed.

12 (2) CONFORMING AMENDMENT.—Section  
13 421(7) of the Domestic Volunteer Service Act of  
14 1973 (42 U.S.C. 5061(7)) is amended to read as fol-  
15 lows:

16 “(7) the term ‘border baby’ means an infant  
17 who is medically cleared for discharge from an  
18 acute-care hospital setting, but remains hospitalized  
19 because of a lack of appropriate out-of-hospital  
20 placement alternatives.”.

21 (b) CHILD ABUSE PREVENTION AND TREATMENT.—

22 (1) REPEALER.—The Child Abuse Prevention  
23 and Treatment Act (42 U.S.C. 5101 et seq.) is re-  
24 pealed.

1           (2) CONFORMING AMENDMENTS.—The Victims  
2 of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is  
3 amended—

4           (A) in section 1402—

5           (i) in subsection (d)—

6           (I) by striking paragraph (2);

7           and

8           (II) by redesignating paragraphs

9           (3) and (4) as paragraphs (2) and

10          (3), respectively; and

11          (ii) by striking subsection (g); and

12          (B) by striking section 1404A.

13          (c) ADOPTION OPPORTUNITIES.—The Child Abuse  
14 Prevention and Treatment and Adoption Reform Act of  
15 1978 (42 U.S.C. 5111 et seq.) is repealed.

16          (d) CRISIS NURSERIES.—The Temporary Child Care  
17 for Children with Disabilities and Crisis Nurseries Act of  
18 1986 (42 U.S.C. 5117 et seq.) is amended—

19           (1) in the title heading by striking “

20           **AND CRISIS NURSERIES**”;

21           (2) in section 201 by striking “and Crisis Nurs-  
22           eries”;

23           (3) in section 202—

24           (A) by striking “provide: (A) temporary”

25           and inserting “to provide temporary”; and

1 (B) by striking “children, and (B)” and all  
2 that follows through the period and inserting  
3 “children.”;

4 (4) by striking section 204; and

5 (5) in section 205—

6 (A) in subsection (a)—

7 (i) in paragraph (1)(A) by striking  
8 “or 204”; and

9 (ii) in paragraph (2)—

10 (I) by striking subparagraph (D);

11 and

12 (II) by redesignating subpara-  
13 graph (E) as subparagraph (D);

14 (B) by striking subsection (b)(3); and

15 (C) in subsection (d)—

16 (i) by striking paragraph (3); and

17 (ii) by redesignating paragraph (4) as  
18 paragraph (3).

19 (e) MISSING CHILDREN’S ASSISTANCE ACT.—The  
20 Missing Children’s Assistance Act (42 U.S.C. 5771–5779)  
21 is repealed.

22 (f) FAMILY SUPPORT CENTERS.—Subtitle F of title  
23 VII of the Stewart B. McKinney Homeless Assistance Act  
24 (42 U.S.C. 11481–11489) is repealed.

1 (g) INVESTIGATION AND PROSECUTION OF CHILD  
2 ABUSE CASES.—Subtitle A of title II of the Victims of  
3 Child Abuse Act of 1990 (42 U.S.C. 13001–13004) is re-  
4 pealed.

5 **TITLE V—GENERAL EFFECTIVE**  
6 **DATE; PRESERVATION OF AC-**  
7 **TIONS, OBLIGATIONS, AND**  
8 **RIGHTS**

9 **SEC. 501. EFFECTIVE DATE.**

10 Except as otherwise provided in this Act, this Act and  
11 the amendments made by this Act shall take effect on Oc-  
12 tober 1, 1995.

13 **SEC. 502. APPLICATION OF AMENDMENTS AND REPEALERS.**

14 An amendment or repeal made by this Act shall not  
15 apply with respect to—

16 (1) powers, duties, functions, rights, claims,  
17 penalties, or obligations applicable to financial as-  
18 sistance provided before the effective date of amend-  
19 ment or repeal, as the case may be, under the Act  
20 so amended or so repealed ; and

21 (2) administrative actions and proceedings com-  
22 menced before such date, or authorized before such  
23 date to be commenced, under such Act.

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