

103D CONGRESS
2D SESSION

S. 1614

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To amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.

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To amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, 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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Better Nutrition and Health for Children Act of 1994”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

- Sec. 101. Delivery of commodities.
- Sec. 102. Combined Federal and State commodity purchases.
- Sec. 103. Nutritional requirements.
- Sec. 104. Elimination of whole milk requirement.
- Sec. 105. Use of free and reduced price meal eligibility information.
- Sec. 106. Automatic eligibility of Head Start participants.
- Sec. 107. Use of nutrition education and training program resources.
- Sec. 108. Special assistance for schools electing to serve all children free lunches or breakfasts.
- Sec. 109. Definition of school.
- Sec. 110. Reimbursement for meals, supplements, and milk under certain programs contingent on timely submission of claims and final program operations report.
- Sec. 111. Organically produced agricultural products.
- Sec. 112. Food and nutrition projects.
- Sec. 113. Summer food service program for children.
- Sec. 114. Commodity distribution program.
- Sec. 115. Child and adult care food program.
- Sec. 116. Homeless children nutrition program; demonstration program for the prevention of boarder babies.
- Sec. 117. Pilot projects.
- Sec. 118. Food service management institute.
- Sec. 119. Compliance and accountability.
- Sec. 120. Duties of the Secretary of Agriculture relating to nonprocurement debarment under certain child nutrition programs.
- Sec. 121. Nutrition education promotion program.
- Sec. 122. Information clearinghouse.
- Sec. 123. Guidance and grants for accommodating medical and special dietary needs of children with disabilities.
- Sec. 124. Inspection of juice and juice products.
- Sec. 125. Administration of nutrition programs.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

- Sec. 201. School breakfast program.
- Sec. 202. State administrative expenses.
- Sec. 203. Competitive foods of minimal nutritional value.
- Sec. 204. Special supplemental nutrition program.
- Sec. 205. Nutrition education and training program.

TITLE III—OTHER RELATED PROVISIONS

- Sec. 301. Distribution of commodities on certain Indian reservations.

TITLE IV—EFFECTIVE DATES

- Sec. 401. Effective dates.

1 **TITLE I—SCHOOL LUNCH AND**
2 **RELATED PROGRAMS**

3 **SEC. 101. DELIVERY OF COMMODITIES.**

4 (a) IN GENERAL.—Section 6 of the National School
5 Lunch Act (42 U.S.C. 1755) is amended—

6 (1) by striking subsection (b) and inserting the
7 following new subsection:

8 “(b) The Secretary shall deliver, to each State par-
9 ticipating in the school lunch program under this Act,
10 commodities valued at the total level of assistance author-
11 ized under subsection (c) for each school year for the
12 school lunch program in the State, not later than Septem-
13 ber 30 of the following school year.”;

14 (2) by striking subsections (c) and (d); and

15 (3) by redesignating subsections (e) and (f) as
16 subsections (c) and (d), respectively.

17 (b) CONFORMING AMENDMENTS.—

18 (1) Subsection (f), and clauses (i) and (ii) of
19 subsection (g)(3)(A), of section 14 of such Act (42
20 U.S.C. 1762a) are amended by striking “section
21 6(e)” and inserting “section 6(c)”.

22 (2) The last sentence of section 16(a) of such
23 Act (42 U.S.C. 1765(a)) is amended by striking
24 “section 6(e) of this Act” and inserting “section
25 6(c)”.

1 (3) Section 17(h)(1)(B) of such Act (42 U.S.C.
2 1766(h)(1)(B)) is amended by striking “section
3 6(e)” and inserting “section 6(c)”.

4 **SEC. 102. COMBINED FEDERAL AND STATE COMMODITY**
5 **PURCHASES.**

6 Section 7 of the National School Lunch Act (42
7 U.S.C. 1756) is amended by adding at the end the follow-
8 ing new subsection:

9 “(d) Notwithstanding any other provision of law, the
10 Secretary may enter into an agreement with a State agen-
11 cy under which funds payable to the State under section
12 4 or 11 may be used by the Secretary for the purpose
13 of purchasing commodities for use by schools in the State
14 in meals served under the school lunch program under this
15 Act.”.

16 **SEC. 103. NUTRITIONAL REQUIREMENTS.**

17 (a) TECHNICAL ASSISTANCE FOR SCHOOL LUNCH
18 PROGRAM.—Section 9(a)(1) of the National School Lunch
19 Act (42 U.S.C. 1758(a)(1)) is amended—

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

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

23 “(B) The Secretary shall provide technical assistance
24 and training, including technical assistance and training
25 in the preparation of lower-fat versions of foods commonly

1 used in the school lunch program under this Act, to
2 schools participating in the school lunch program to assist
3 the schools in complying with the nutritional requirements
4 prescribed by the Secretary pursuant to subparagraph (A)
5 and in providing appropriate meals to children with medi-
6 cally certified special dietary needs. The Secretary shall
7 provide additional technical assistance to schools that are
8 having difficulty maintaining compliance with the require-
9 ments.”.

10 (b) MINIMUM NUTRITIONAL REQUIREMENTS MEAS-
11 URED BY WEEKLY AVERAGE OF NUTRIENT CONTENT OF
12 SCHOOL LUNCHES.—Section 9(a)(1)(A) of such Act (42
13 U.S.C. 1758(a)(1)(A)) (as amended by subsection (a)) is
14 further amended—

15 (1) by striking “; except that such minimum
16 nutritional requirements” and inserting the follow-
17 ing: “, except that—

18 “(i) the minimum nutritional requirements”;

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

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

23 “(ii) the minimum nutritional requirements
24 shall be measured by not less than the weekly aver-
25 age of the nutrient content of school lunches.”.

1 (c) DIETARY GUIDELINES FOR AMERICANS.—Section
2 9 of such Act (42 U.S.C. 1758) is amended by adding
3 at the end the following new subsection:

4 “(f)(1) Not later than July 1, 1996, the Secretary,
5 State educational agencies, schools, and school food serv-
6 ice authorities shall, to the maximum extent practicable,
7 inform students who participate in the school lunch and
8 school breakfast programs, and parents and guardians of
9 the students, of—

10 “(A) the nutritional content of the lunches and
11 breakfasts that are served under the programs; and

12 “(B) the consistency of the lunches and break-
13 fasts with the guidelines contained in the most re-
14 cent ‘Dietary Guidelines for Americans’ that is pub-
15 lished under section 301 of the National Nutrition
16 Monitoring and Related Research Act of 1990 (7
17 U.S.C. 5341) (referred to in this subsection as the
18 ‘Guidelines’), including the consistency of the
19 lunches and breakfasts with the guideline for fat
20 content.

21 “(2)(A) Except as provided in subparagraph (B), not
22 later than July 1, 1996, schools that are participating in
23 the school lunch or school breakfast program shall serve
24 lunches and breakfasts under the programs that are con-

1 sistent with the Guidelines (as measured in accordance
2 with subsection (a)(1)(A)(ii)).

3 “(B) State educational agencies may grant waivers
4 from the requirements of subparagraph (A) subject to cri-
5 teria established by the appropriate State educational
6 agency. The waivers shall not permit schools to implement
7 the requirements later than July 1, 1998, or a later date
8 determined by the Secretary.

9 “(C) To assist schools in meeting the requirements
10 of this paragraph, the Secretary shall—

11 “(i) develop, and provide to schools, standard-
12 ized recipes, menu cycles, and food product speci-
13 fication and preparation techniques; and

14 “(ii) provide to schools information regarding
15 nutrient standard menu planning, assisted nutrient
16 standard menu planning, and other approaches, in-
17 cluding food-based menu systems with nutrient anal-
18 ysis, as determined by the Secretary.

19 “(D) Schools may use any of the approaches de-
20 scribed in subparagraph (C) to meet the requirements of
21 this paragraph.

22 “(3)(A) Not later than 120 days after the date of
23 enactment of this subsection, the Secretary shall submit
24 to the authorizing committees of Congress a detailed and
25 specific plan that describes the actions the Secretary will

1 take to encourage schools that are participating in the
2 school lunch and school breakfast programs to serve
3 lunches and breakfasts under each program that are con-
4 sistent with the Guidelines.

5 “(B) The Secretary shall include in the plan—

6 “(i) a strategy for providing technical assist-
7 ance to States, State educational agencies, schools,
8 and school food service authorities to encourage con-
9 sistency with the Guidelines; and

10 “(ii) a strategy for informing State child nutri-
11 tion directors, school food service directors, parents,
12 guardians, and students of—

13 “(I) the provisions of the Guidelines;

14 “(II) the importance of implementing the
15 Guidelines; and

16 “(III) specific suggestions for dietary
17 modifications that would achieve the objectives
18 of the Guidelines.”.

19 **SEC. 104. ELIMINATION OF WHOLE MILK REQUIREMENT.**

20 Section 9(a)(2) of the National School Lunch Act (42
21 U.S.C. 1758(a)(2)) is amended—

22 (1) by inserting “(A)” after “(2)”;

23 (2) by striking “fluid whole milk and fluid
24 unflavored lowfat milk” and inserting “fluid milk,
25 except that a State educational agency may require

1 schools in the State to offer any type or types of
2 milk to students”; and

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

5 “(B)(i) The Secretary shall purchase each calendar
6 year to carry out the school lunch program under this Act,
7 and the school breakfast program under section 4 of the
8 Child Nutrition Act of 1966 (42 U.S.C. 1773), lowfat
9 cheese on a bid basis in a quantity that is the milkfat
10 equivalent of the quantity of milkfat the Secretary esti-
11 mates the Commodity Credit Corporation will purchase
12 each calendar year as a result of the elimination of the
13 requirement that schools offer students fluid whole milk
14 and fluid unflavored lowfat milk, based on data provided
15 by the Director of Office of Management and Budget.

16 “(ii) Not later than 30 days after the Secretary pro-
17 vides an estimate required under clause (i), the Director
18 of the Congressional Budget Office shall provide to the
19 appropriate committees of Congress a report on whether
20 the Director concurs with the estimate of the Secretary.

21 “(iii) The quantity of lowfat cheese that is purchased
22 under this subparagraph shall be in addition to the quan-
23 tity of cheese that is historically purchased by the Sec-
24 retary to carry out school feeding programs. The Secretary
25 shall take such actions as are necessary to ensure that

1 purchases under this subparagraph shall not displace com-
2 mercial purchases of cheese by schools.”.

3 **SEC. 105. USE OF FREE AND REDUCED PRICE MEAL ELIGI-**
4 **BILITY INFORMATION.**

5 Clause (iii) of section 9(b)(2)(C) of the National
6 School Lunch Act (42 U.S.C. 1758(b)(2)(C)(iii)) is
7 amended to read as follows:

8 “(iii) The use or disclosure of any information ob-
9 tained from an application for free or reduced price meals,
10 or from a State or local agency referred to in clause (ii),
11 shall be limited to—

12 “(I) a person directly connected with the ad-
13 ministration or enforcement of this Act or the Child
14 Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or
15 a regulation issued pursuant to either Act;

16 “(II) a person directly connected with the ad-
17 ministration or enforcement of a State health or
18 education program administered by the State or
19 local educational agency (other than a program car-
20 ried out under title XIX of the Social Security Act
21 (42 U.S.C. 1396 et seq.)); and

22 “(III)(aa) the Comptroller General of the Unit-
23 ed States for audit and examination authorized by
24 any other provision of law; and

1 “(bb) notwithstanding any other provision of
2 law, a Federal, State, or local law enforcement offi-
3 cial for the purpose of investigating an alleged viola-
4 tion of any program covered by paragraph (1) or
5 this paragraph.

6 “(iv) Information provided by a school under clause
7 (iii)(II) shall be limited to the income eligibility status of
8 the child for whom application for free or reduced price
9 meal benefits was made or for whom eligibility information
10 was provided under clause (ii), unless the consent of the
11 parent or guardian of the child for whom application for
12 benefits was made is obtained.

13 “(v) A person described in clause (iii) who publishes,
14 divulges, discloses, or makes known in any manner, or to
15 any extent not authorized by Federal law (including a reg-
16 ulation), any information obtained under this subsection
17 shall be fined not more than \$1,000 or imprisoned not
18 more than 1 year, or both.”.

19 **SEC. 106. AUTOMATIC ELIGIBILITY OF HEAD START PAR-**
20 **TICIPANTS.**

21 (a) IN GENERAL.—Section 9(b)(6) of the National
22 School Lunch Act (42 U.S.C. 1758(b)(6)) is amended—

23 (1) in subparagraph (A)—

24 (A) in the matter preceding clause (i), by
25 striking “a member of”;

1 (B) in clause (i)—

2 (i) by inserting “a member of” after

3 “(i)”; and

4 (ii) by striking “or” at the end;

5 (C) in clause (ii)—

6 (i) by inserting “a member of” after

7 “(ii)”; and

8 (ii) by striking the period at the end

9 and inserting “; or”; and

10 (D) by adding at the end the following new

11 clause:

12 “(iii) enrolled as a participant in a Head Start

13 program authorized under the Head Start Act (42

14 U.S.C. 9831 et seq.), on the basis of a determination

15 that the child is a member of a family that meets

16 the low-income criteria prescribed under section

17 645(a)(1)(A) of the Head Start Act (42 U.S.C.

18 9840(a)(1)(A)).”; and

19 (2) in subparagraph (B), by striking “food

20 stamps or aid to families with dependent children”

21 and inserting “food stamps or aid to families with

22 dependent children, or of enrollment or participation

23 in a Head Start program on the basis described in

24 subparagraph (A)(iii).”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 subsection (a) shall become effective on September 1,
 3 1995.

4 **SEC. 107. USE OF NUTRITION EDUCATION AND TRAINING**
 5 **PROGRAM RESOURCES.**

6 Section 9 of the National School Lunch Act (42
 7 U.S.C. 1758) (as amended by section 103(c)) is further
 8 amended by adding at the end the following new sub-
 9 section:

10 “(g) In carrying out this Act and the Child Nutrition
 11 Act of 1966 (42 U.S.C. 1771 et seq.), a State educational
 12 agency shall, particularly with regard to the responsibil-
 13 ities of the agency under subsection (a)(3), use resources
 14 provided through the nutrition education and training pro-
 15 gram authorized under section 19 of the Child Nutrition
 16 Act of 1966 (42 U.S.C. 1788) for training aimed at im-
 17 proving the quality and acceptance of school meals.”.

18 **SEC. 108. 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 inserting “(A)” after “(1)”;

24 (2) in the second sentence, by striking “In the
 25 case of” and inserting the following:

1 “(B) Except as provided in subparagraph (C), (D),
2 or (E), in the case of”; and

3 (3) by striking the third and fourth sentences
4 and inserting the following new subparagraphs:

5 “(C)(i) Except as provided in subparagraph (D), in
6 the case of any school that—

7 “(I) elects to serve all children in the school
8 free lunches under the school lunch program during
9 any period of 3 successive school years, or in the
10 case of a school that serves both lunches and break-
11 fasts, elects to serve all children in the school free
12 lunches and free breakfasts under the school lunch
13 program and the school breakfast program estab-
14 lished under section 4 of the Child Nutrition Act of
15 1966 (42 U.S.C. 1773) during any period of 3 suc-
16 cessive school years; and

17 “(II) pays, from sources other than Federal
18 funds, for the costs of serving the lunches or break-
19 fasts that are in excess of the value of assistance re-
20 ceived under this Act and the Child Nutrition Act of
21 1966 (42 U.S.C. 1771 et seq.) with respect to the
22 number of lunches or breakfasts served during the
23 period;

24 special assistance payments shall be paid to the State edu-
25 cational agency with respect to the school during the pe-

1 riod on the basis of the number of lunches or breakfasts
2 determined under clause (ii) or (iii).

3 “(ii) For purposes of making special assistance pay-
4 ments under clause (i), except as provided in clause (iii),
5 the number of lunches or breakfasts served by a school
6 to children who are eligible for free lunches or breakfasts
7 or reduced price lunches or breakfasts during each school
8 year of the 3-school-year period shall be considered to be
9 equal to the number of lunches or breakfasts served by
10 the school to children eligible for free lunches or break-
11 fasts or reduced price lunches or breakfasts during the
12 first school year of the period.

13 “(iii) For purposes of computing the amount of the
14 payments, a school may elect to determine on a more fre-
15 quent basis the number of children who are eligible for
16 free or reduced price lunches or breakfasts who are served
17 lunches or breakfasts during the 3-school-year period.

18 “(D)(i) In the case of any school that, on the date
19 of enactment of this subparagraph, is receiving special as-
20 sistance payments under this paragraph for a 3-school-
21 year period described in subparagraph (C), the State may
22 grant, at the end of the 3-school-year period, an extension
23 of the period for an additional 2 school years, if the State
24 determines, through available socioeconomic data ap-

1 proved by the Secretary, that the income level of the popu-
2 lation of the school has remained stable.

3 “(ii) A school described in clause (i) may reapply to
4 the State at the end of the 2-school-year period described
5 in clause (i) for the purpose of continuing to receive spe-
6 cial assistance payments, as determined in accordance
7 with this paragraph, for a subsequent 5-school-year pe-
8 riod. The school may reapply to the State at the end of
9 the 5-school-year period, and at the end of each 5-school-
10 year period thereafter for which the school receives special
11 assistance payments under this paragraph, for the purpose
12 of continuing to receive the payments for a subsequent 5-
13 school-year period. The school shall require submission of
14 applications for free and reduced price lunches, or for free
15 and reduced price lunches and breakfasts, in the first
16 school year of each 5-school-year period for which the
17 school receives special assistance payments under this
18 paragraph, for the purpose of calculating the special as-
19 sistance payments.

20 “(E)(i) In the case of any school that—

21 “(I) elects to serve all children in the school
22 free lunches under the school lunch program during
23 any period of 4 successive school years, or in the
24 case of a school that serves both lunches and break-
25 fasts, elects to serve all children in the school free

1 lunches and free breakfasts under the school lunch
2 program and the school breakfast program during
3 any period of 4 successive school years; and

4 “(II) pays, from sources other than Federal
5 funds, for the costs of serving the lunches or break-
6 fasts that are in excess of the value of assistance re-
7 ceived under this Act and the Child Nutrition Act of
8 1966 (42 U.S.C. 1771 et seq.) with respect to the
9 number of lunches or breakfasts served during the
10 period;

11 total Federal cash reimbursements and total commodity
12 assistance shall be provided to the State educational agen-
13 cy with respect to the school at a level that is equal to
14 the total Federal cash reimbursements and total commod-
15 ity assistance received by the school in the last school year
16 for which the school accepted applications under the school
17 lunch or school breakfast program, adjusted annually for
18 inflation in accordance with paragraph (3)(B) and for
19 changes in enrollment, to carry out the school lunch or
20 school breakfast program.

21 “(ii) A school described in clause (i) may reapply to
22 the State at the end of the 4-school-year period described
23 in clause (i), and at the end of each 4-school-year period
24 thereafter for which the school receives reimbursements
25 and assistance under this subparagraph, for the purpose

1 of continuing to receive the reimbursements and assist-
 2 ance for a subsequent 4-school-year period. The State may
 3 approve an application under this clause if the State deter-
 4 mines, through available socioeconomic data approved by
 5 the Secretary, that the income level of the population of
 6 the school has remained consistent with the income level
 7 of the population of the school in the last school year for
 8 which the school accepted the applications described in
 9 clause (i).”.

10 **SEC. 109. DEFINITION OF SCHOOL.**

11 (a) IN GENERAL.—Section 12(d)(5) of the National
 12 School Lunch Act (42 U.S.C. 1760(d)(5)) is amended—

13 (1) in the first sentence—

14 (A) in subparagraph (A), by striking
 15 “under,” and inserting “under and”;

16 (B) in subparagraph (B), by striking “,
 17 and” and inserting a period; and

18 (C) by striking subparagraph (C); and

19 (2) in the second sentence, by striking “of
 20 clauses (A) and (B)”.

21 (b) EFFECTIVE DATE.—The amendments made by
 22 subsection (a) shall become effective on October 1, 1995.

1 **SEC. 110. REIMBURSEMENT FOR MEALS, SUPPLEMENTS,**
2 **AND MILK UNDER CERTAIN PROGRAMS CON-**
3 **TINGENT ON TIMELY SUBMISSION OF CLAIMS**
4 **AND FINAL PROGRAM OPERATIONS REPORT.**

5 Section 12 of the National School Lunch Act (42
6 U.S.C. 1760) is amended by adding at the end the follow-
7 ing new subsection:

8 “(j)(1) Except as provided in paragraph (2), the Sec-
9 retary may provide reimbursements for final claims sub-
10 mitted to State agencies by eligible schools, institutions,
11 and service institutions for service of meals, supplements,
12 and milk under this Act or the Child Nutrition Act of
13 1966 (42 U.S.C. 1771 et seq.) only if—

14 “(A) the claims have been submitted to the
15 State agencies not later than 60 days after the last
16 day of the month for which reimbursements are
17 claimed; and

18 “(B) the final program operations report for
19 the month is submitted to the Secretary not later
20 than 90 days after the last day of the month.

21 “(2) The Secretary may waive the requirements of
22 paragraph (1).”.

23 **SEC. 111. ORGANICALLY PRODUCED AGRICULTURAL PROD-**
24 **UCTS.**

25 Section 12 of the National School Lunch Act (42
26 U.S.C. 1760) (as amended by section 110) is further

1 amended by adding at the end the following new sub-
2 section:

3 “(k)(1) The Secretary shall make available, at the re-
4 quest of State educational agencies and schools participat-
5 ing in the school lunch program, information about means
6 for schools to obtain organically produced agricultural
7 products (as defined in section 2103 of the Organic Foods
8 Production Act of 1990 (7 U.S.C. 6502)), such as meats,
9 poultry products, fruits, products made from grains, dairy
10 products, and vegetables that are organically produced.”.

11 “(2) Paragraph (1) shall apply beginning on the date
12 the Secretary establishes an organic certification program
13 for producers and handlers of agricultural products in ac-
14 cordance with such Act (7 U.S.C. 6501 et seq.).”.

15 **SEC. 112. FOOD AND NUTRITION PROJECTS.**

16 Section 12 of the National School Lunch Act (42
17 U.S.C. 1760) (as amended by section 111) is further
18 amended by adding at the end the following new sub-
19 section:

20 “(l)(1) The Secretary, acting through the Adminis-
21 trator of the Food and Nutrition Service or through the
22 Extension Service, shall award on an annual basis grants
23 to a private nonprofit organization or educational institu-
24 tion in each of 3 States to create, operate, and dem-

1 onstrate food and nutrition projects that are fully inte-
2 grated with elementary school curricula.

3 “(2) Each organization or institution referred to in
4 paragraph (1) shall be selected by the Secretary and
5 shall—

6 “(A) assist local schools and educators in offer-
7 ing food and nutrition education that integrates
8 math, science, and verbal skills in the elementary
9 grades;

10 “(B) assist local schools and educators in teach-
11 ing agricultural practices through practical applica-
12 tions, like gardening;

13 “(C) create community service learning oppor-
14 tunities or educational programs;

15 “(D) be experienced in assisting in the creation
16 of curriculum-based models in elementary schools;

17 “(E) be sponsored by an organization or insti-
18 tution, or be an organization or institution, that pro-
19 vides information, or conducts other educational ef-
20 forts, concerning the success and productivity of
21 American agriculture and the importance of the free
22 enterprise system to the quality of life in the United
23 States; and

24 “(F) be able to provide model curricula, exam-
25 ples, advice, and guidance to school, community

1 groups, States, and local organizations regarding
2 means of carrying out similar projects.

3 “(3) Subject to the availability of appropriations to
4 carry out this subsection, the Secretary shall make grants
5 to each of the 3 private organizations or institutions se-
6 lected under this section in amounts of not less than
7 \$100,000, nor more than \$200,000, for each of fiscal
8 years 1995 through 1998.

9 “(4) The Secretary shall establish fair and reasonable
10 auditing procedures regarding the expenditure of funds
11 under this subsection.

12 “(5) There are authorized to be appropriated to carry
13 out this subsection such sums as are necessary for each
14 of fiscal years 1995 through 1998.”.

15 **SEC. 113. SUMMER FOOD SERVICE PROGRAM FOR CHIL-**
16 **DREN.**

17 (a) ORDER OF PRIORITY.—Section 13(a)(4) of the
18 National School Lunch Act (42 U.S.C. 1761(a)(4)) is
19 amended by striking subparagraphs (A) through (F) and
20 inserting the following:

21 “(A) School food authorities.

22 “(B) Units of local, municipal, or county gov-
23 ernment that have demonstrated successful program
24 performance in a prior year.

1 “(C) Other units of local, municipal, or county
2 government, and private nonprofit organizations eli-
3 gible under paragraph (7).”.

4 (b) PRIVATE NONPROFIT ORGANIZATIONS.—Section
5 13(a)(7) of such Act (42 U.S.C. 1761(a)(7)) is amended
6 by striking subparagraph (C).

7 (c) NON-SCHOOL SITES.—Section 13(c)(1) of such
8 Act (42 U.S.C. 1761(c)(1)) is amended by inserting before
9 the period at the end the following: “or that provide meal
10 service at non-school sites to children who are not in
11 school for a period during the months of October through
12 April due to an unanticipated school closure”.

13 (d) REGISTERED FOOD SERVICE MANAGEMENT
14 COMPANY REPORTS.—Section 13(l)(3) of such Act (42
15 U.S.C. 1761(l)(3)) is amended by striking “and their pro-
16 gram record” and inserting “that have been seriously defi-
17 cient in their participation in the program,”.

18 (e) MANAGEMENT AND ADMINISTRATION PLAN.—
19 Section 13(n) of such Act (42 U.S.C. 1761(n)) is amend-
20 ed—

21 (1) in paragraph (2), by adding “and” after the
22 semicolon at the end;

23 (2) in paragraph (3), by striking the semicolon
24 at the end and inserting a period; and

25 (3) by striking paragraphs (4) through (12).

1 (f) ELIMINATION OF WARNING IN PRIVATE NON-
2 PROFIT ORGANIZATION APPLICATION RELATING TO
3 CRIMINAL PROVISIONS AND RELATED MATTERS.—Sec-
4 tion 13(q) of such Act (42 U.S.C. 1761(q)) is amended—

5 (1) by striking paragraph (2);

6 (2) by redesignating paragraph (3) as para-
7 graph (2); and

8 (3) in paragraph (4), by striking “paragraphs
9 (1) and (3)” and inserting “paragraphs (1) and
10 (2)”.

11 (g) HEARINGS REGARDING STATE ACTION ON THE
12 BASIS OF FEDERAL REVIEW FINDINGS.—Section 13(q) of
13 such Act (42 U.S.C. 1761(q)) (as amended by paragraphs
14 (1) and (2) of subsection (f)) is further amended by insert-
15 ing before paragraph (4) the following new paragraph:

16 “(3) A State shall not be required to provide a hear-
17 ing to a private nonprofit organization concerning a State
18 action taken on the basis of a Federal review finding with
19 respect to a program carried out under this section. If a
20 State does not provide a hearing to the organization con-
21 cerning the action, the Secretary, on request, shall provide
22 a hearing to the organization concerning the action.”.

23 (h) EXTENSION OF PROGRAM.—Section 13(r) of such
24 Act (42 U.S.C. 1761(r)) is amended by striking “1994”
25 and inserting “1998”.

1 (i) ALL-DAY ACTIVITIES.—The Secretary of Agri-
2 culture shall—

3 (1) not later than 180 days after the date of
4 enactment of this Act, identify sources of Federal
5 funds that may be available from other Federal
6 agencies for service institutions under the summer
7 food service program for children established under
8 section 13 of the National School Lunch Act (42
9 U.S.C. 1761) to carry out all-day educational and
10 recreational activities for children at feeding sites
11 under the program; and

12 (2) notify through State agencies, as deter-
13 mined appropriate by the Secretary, the service in-
14 stitutions of the sources.

15 **SEC. 114. COMMODITY DISTRIBUTION PROGRAM.**

16 (a) EXTENSION.—Section 14(a) of the National
17 School Lunch Act (42 U.S.C. 1762a(a)) is amended by
18 striking “1994” and inserting “1998”.

19 (b) NUTRITIONAL CONTENT.—Section 14(b) of such
20 Act (42 U.S.C. 1762a(b)) is amended—

21 (1) by inserting “(1)” after “(b)”; and

22 (2) by adding at the end the following new
23 paragraphs:

24 “(2) The Secretary shall improve the overall nutri-
25 tional quality of entitlement commodities (within the

1 meaning of section 18) provided to schools under the
 2 school lunch program to assist the schools in improving
 3 the nutritional content of meals served under the program.

4 “(3) The Secretary shall—

5 “(A) require that nutritional content informa-
 6 tion labels be placed on packages or shipments of
 7 commodities provided to schools under the school
 8 lunch program; or

9 “(B) otherwise provide nutritional content in-
 10 formation regarding the commodities provided to
 11 schools under the school lunch program.”.

12 **SEC. 115. CHILD AND ADULT CARE FOOD PROGRAM.**

13 (a) REAPPLICATION FOR ASSISTANCE AT 3-YEAR IN-
 14 TERVERALS.—Section 17(d)(2)(A) of the National School
 15 Lunch Act (42 U.S.C. 1766(d)(2)(A)) is amended by
 16 striking “2-year intervals” and inserting “3-year inter-
 17 vals”.

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

22 (1) by inserting “(i)” after “(C)”; and

23 (2) by adding at the end the following new
 24 clause:

1 “(ii) Funds for administrative expenses may be used
2 by a family or group day care home sponsoring organiza-
3 tion to conduct outreach and recruitment to unlicensed
4 family or group day care homes so that the day care
5 homes may become licensed.”.

6 (c) INFORMATION AND TRAINING CONCERNING
7 CHILD HEALTH AND DEVELOPMENT.—Section 17(k) of
8 such Act (42 U.S.C. 1766(k)) is amended by adding at
9 the end the following new paragraph:

10 “(4) The Secretary shall encourage States to provide
11 information and training concerning child health and de-
12 velopment to family or group day care home sponsoring
13 organizations.”.

14 (d) EXTENSION OF STATEWIDE DEMONSTRATION
15 PROJECTS.—Section 17(p) of such Act (42 U.S.C.
16 1766(p)) is amended—

17 (1) in paragraph (1)(A), strike “25 percent of
18 the children served by such organization” and insert
19 “25 percent of the children enrolled in the organiza-
20 tion or 25 percent of the licensed capacity of the or-
21 ganization for children, whichever is less,”;

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

24 (3) in paragraph (5), by striking “1994” and
25 inserting “1998”.

1 (e) WIC INFORMATION.—Section 17 of such Act (42
2 U.S.C. 1766) is amended by adding at the end the follow-
3 ing new subsection:

4 “(q)(1) The Secretary shall provide State agencies
5 with basic information concerning the importance and
6 benefits of the special supplemental nutrition program for
7 women, infants, and children authorized under section 17
8 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

9 “(2) The State agency shall—

10 “(A) provide each child care institution partici-
11 pating in the program established under this section,
12 other than institutions providing day care outside
13 school hours for schoolchildren, with materials that
14 include—

15 “(i) a basic explanation of the benefits and
16 importance of the special supplemental nutri-
17 tion program for women, infants, and children;

18 “(ii) the maximum income limits, accord-
19 ing to family size, applicable to children up to
20 age 5 in the State under the special supple-
21 mental nutrition program for women, infants,
22 and children; and

23 “(iii) a listing of the addresses and phone
24 numbers of offices at which parents may apply;

1 “(B) annually provide the institutions with an
2 update of the information on income limits described
3 in subparagraph (A)(ii); and

4 “(C) ensure that, at least once a year, the insti-
5 tutions to which subparagraph (A) applies provide
6 written information to parents that includes—

7 “(i) basic information on the benefits pro-
8 vided under the special supplemental nutrition
9 program for women, infants, and children;

10 “(ii) information on the maximum income
11 limits, according to family size, applicable to
12 the program; and

13 “(iii) information on where parents may
14 apply to participate in the program.”.

15 **SEC. 116. HOMELESS CHILDREN NUTRITION PROGRAM;**
16 **DEMONSTRATION PROGRAM FOR THE PRE-**
17 **VENTION OF BOARDER BABIES.**

18 (a) HOMELESS CHILDREN NUTRITION PROGRAM.—
19 The National School Lunch Act is amended by inserting
20 after section 17A (42 U.S.C. 1766a) the following new
21 section:

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

23 “(a) IN GENERAL.—The Secretary shall conduct
24 projects designed to provide food service throughout the

1 year to homeless children under the age of 6 in emergency
2 shelters.

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

4 “(1) IN GENERAL.—The Secretary shall enter
5 into agreements with State, city, local, or county
6 governments, other public entities, or private non-
7 profit organizations to participate in the projects
8 conducted under this section.

9 “(2) ELIGIBILITY REQUIREMENTS.—The Sec-
10 retary shall establish eligibility requirements for the
11 entities described in paragraph (1) that desire to
12 participate in the projects conducted under this sec-
13 tion, including requirements that—

14 “(A) each private nonprofit organization
15 shall operate not more than 5 food service sites
16 under the project and shall serve not more than
17 300 homeless children under the age of 6 at
18 each site; and

19 “(B) each food service site operated by any
20 of the organizations shall meet applicable State
21 and local health, safety, and sanitation stand-
22 ards.

23 “(c) PROJECT REQUIREMENTS.—

24 “(1) IN GENERAL.—A project conducted under
25 this section shall—

1 “(A) use the same meal patterns, and re-
2 ceive reimbursement payments for meals and
3 supplements at the same rates, as apply to child
4 care centers participating in the child care food
5 program established under section 17 for free
6 meals and supplements; and

7 “(B) receive reimbursement payments for
8 meals and supplements served on Saturdays,
9 Sundays, and holidays, at the request of the
10 sponsor of the project.

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

14 “(3) HOMELESS CHILDREN ELIGIBLE FOR
15 FREE MEALS WITHOUT APPLICATION.—Homeless
16 children under the age of 6 in emergency shelters
17 shall be considered eligible for free meals without
18 submitting an application.

19 “(d) FUNDING PRIORITIES.—From the amount de-
20 scribed in subsection (f), the Secretary shall provide fund-
21 ing for projects carried out under this section for a par-
22 ticular fiscal year (referred to in this subsection as the
23 ‘current fiscal year’) in the following order of priority, to
24 the maximum extent practicable:

1 “(1) The Secretary shall first provide such
2 funding to entities and organizations, each of
3 which—

4 “(A) received funding under this section or
5 section 18(c) (as in effect on the day before the
6 date of enactment of this section) to carry out
7 a project for the preceding fiscal year; and

8 “(B) is eligible to receive funding under
9 this section to carry out the project for the cur-
10 rent fiscal year;
11 to enable the entity or organization to carry out the
12 project under this section for the current fiscal year
13 at the level of service provided by the project during
14 the preceding fiscal year.

15 “(2) From the portion of the amount that re-
16 mains after the application of paragraph (1), the
17 Secretary shall provide funds to entities and organi-
18 zations, each of which is eligible to receive funding
19 under this section, to enable the entity or organiza-
20 tion to carry out a new project under this section for
21 the current fiscal year, or to expand the level of
22 service provided by a project for the current fiscal
23 year over the level provided by the project during the
24 preceding fiscal year.

1 “(e) NOTICE.—The Secretary shall advise each State
2 of the availability of the projects conducted under this sub-
3 section for States, cities, counties, local governments, and
4 other public entities, and shall advise each State of the
5 procedures for applying to participate in the project.

6 “(f) FUNDING.—

7 “(1) IN GENERAL.—From funds made available
8 under section 7(a)(5)(B)(i) of the Child Nutrition
9 Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)), the Sec-
10 retary shall expend \$3,000,000 for fiscal year 1995
11 and each subsequent fiscal year to carry out this
12 section.

13 “(2) EXCEPTION.—The Secretary may expend
14 less than the amount described in paragraph (1) if
15 there is an insufficient number of suitable applicants
16 to carry out projects under this section. Any funds
17 made available under this subsection to carry out
18 the projects for a fiscal year that are not obligated
19 to carry out the projects in the fiscal year shall re-
20 main available until expended for purposes of carry-
21 ing out the projects.

22 “(g) DEFINITION OF EMERGENCY SHELTER.—As
23 used in this section, the term ‘emergency shelter’ has the
24 meaning provided in section 321(2) of the Stewart B.

1 McKinney Homeless Assistance Act (42 U.S.C.
2 11351(2)).”.

3 (b) DEMONSTRATION PROGRAM FOR THE PREVEN-
4 TION OF BOARDER BABIES.—Subsection (c) of section 18
5 of the National School Lunch Act (42 U.S.C. 1769(c)) is
6 amended to read as follows:

7 “(c)(1) Using the funds provided under paragraph
8 (7), the Secretary shall conduct at least 1 demonstration
9 project through a participating entity during each of fiscal
10 years 1995 through 1998 that is designed to provide food
11 and nutrition services throughout the year to—

12 “(A) homeless pregnant women; and

13 “(B) homeless mothers or guardians of infants,
14 and the children of the mothers and guardians.

15 “(2) To be eligible to obtain funds under this sub-
16 section, a homeless shelter, transitional housing organiza-
17 tion, or other entity that provides or will provide tem-
18 porary housing for individuals described in paragraph (1)
19 shall (in accordance with guidelines established by the Sec-
20 retary)—

21 “(A) submit to the Secretary a proposal to pro-
22 vide food and nutrition services, including a plan for
23 coordinating the services with services provided
24 under the special supplemental nutrition program
25 for women, infants, and children authorized under

1 section 17 of the Child Nutrition Act of 1966 (42
2 U.S.C. 1786);

3 “(B) receive the approval of the Secretary for
4 the proposal;

5 “(C) be located in an urban area that has—

6 “(i) a significant population of boarder ba-
7 bies;

8 “(ii) a very high rate of mortality for chil-
9 dren under 1 year of age; or

10 “(iii) a significant population of homeless
11 pregnant women and homeless women with in-
12 fants;

13 as determined by the Secretary; and

14 “(D) be able to coordinate services provided
15 under this subsection with the services provided by
16 the local government and with other programs that
17 may assist the participants receiving services under
18 this subsection.

19 “(3) Food and nutrition services funded under this
20 subsection—

21 “(A) may include—

22 “(i) meals, supplements, and other food;

23 “(ii) nutrition education;

24 “(iii) nutrition assessments;

25 “(iv) referrals to—

1 “(I) the special supplemental nutrition
2 program for women, infants, and children
3 authorized under section 17 of such Act
4 (42 U.S.C. 1786);

5 “(II) the medical assistance program
6 established under title XIX of the Social
7 Security Act (42 U.S.C. 1396 et seq.); and

8 “(III) other public or private pro-
9 grams and services;

10 “(v) activities related to the services de-
11 scribed in any of clauses (i) through (iv); and

12 “(vi) administrative activities related to the
13 services described in any of clauses (i) through
14 (v); and

15 “(B) may not include the construction, pur-
16 chase, or rental of real property.

17 “(4)(A) A participating entity shall—

18 “(i) use the same meal patterns, and receive re-
19 imbursement payments for meals and supplements
20 at the same rates, as apply to child care centers par-
21 ticipating in the child care food program under sec-
22 tion 17 for free meals and supplements;

23 “(ii) receive reimbursement payments for meals
24 and supplements served on Saturdays, Sundays, and
25 holidays, at the request of the entity; and

1 “(iii) maintain a policy of not providing services
2 or assistance to pregnant women, or homeless
3 women with infants, who use a controlled substance
4 (as defined in section 102 of the Controlled Sub-
5 stances Act (21 U.S.C. 802)).

6 “(B) The Secretary may modify the meal pattern re-
7 quirements to take into account the needs of infants,
8 homeless pregnant women, homeless mothers, guardians
9 of infants, or the children of the women, mothers, or
10 guardians.

11 “(C) The Secretary shall provide funding to a partici-
12 pating entity for services described in paragraph (3) that
13 are provided to individuals described in paragraph (1).

14 “(5) The Secretary shall impose such auditing and
15 recordkeeping requirements as are necessary to monitor
16 the use of Federal funds to carry out this subsection.

17 “(6) The Secretary shall periodically report to the ap-
18 propriate committees of Congress on projects carried out
19 under this subsection.

20 “(7)(A) Out of any moneys in the Treasury not other-
21 wise appropriated, the Secretary of the Treasury shall pro-
22 vide to the Secretary \$400,000 for each of fiscal years
23 1995 through 1998 to carry out this subsection. The Sec-
24 retary shall be entitled to receive the funds and shall ac-
25 cept the funds.

1 “(B) Any funds provided under subparagraph (A) to
 2 carry out projects under this subsection for a fiscal year
 3 that are not obligated in the fiscal year shall be used by
 4 the Secretary to carry out the homeless children nutrition
 5 program established under section 17B.

6 “(8) As used in this subsection:

7 “(A) The term ‘boarder baby’ means an aban-
 8 doned infant described in section 103(1) of the
 9 Abandoned Infants Assistance Act of 1988 (Public
 10 Law 100–505; 42 U.S.C. 670 note).

11 “(B) The term ‘nutrition education’ has the
 12 meaning provided in section 17(b)(7) of the Child
 13 Nutrition Act of 1966 (42 U.S.C. 1786(b)(7)).”.

14 **SEC. 117. PILOT PROJECTS.**

15 (a) FORTIFIED FLUID MILK.—Section 18 of the Na-
 16 tional School Lunch Act (42 U.S.C. 1769) is amended by
 17 adding at the end the following new subsection:

18 “(e)(1) Subject to the availability of appropriations
 19 to carry out this subsection, the Secretary shall establish
 20 pilot projects in at least 25 school districts under which
 21 the milk offered by schools meets the fortification require-
 22 ments of paragraph (3) for lowfat, skim, and other forms
 23 of fluid milk.

24 “(2) The Secretary shall make available to school dis-
 25 tricts information that compares the nutritional benefits

1 of fluid milk that meets the fortification requirements of
2 paragraph (3) and the nutritional benefits of other milk
3 that is made available through the school lunch program
4 established under this Act.

5 “(3) The fortification requirements for fluid milk for
6 the pilot project referred to in paragraph (1) shall provide
7 that—

8 “(A) all whole milk in final package form for
9 beverage use shall contain not less than—

10 “(i) 3.25 percent milk fat; and

11 “(ii) 8.7 percent milk solids not fat;

12 “(B) all lowfat milk in final package form for
13 beverage use shall contain not less than 10 percent
14 milk solids not fat; and

15 “(C) all skim milk in final package form for
16 beverage use shall contain not less than 9 percent
17 milk solids not fat.

18 “(4)(A) In selecting where to establish pilot projects
19 under this subsection, the Secretary shall take into ac-
20 count, among other factors, the availability of fortified
21 milk and the interest of the school district in being in-
22 cluded in the pilot project.

23 “(B) The Secretary shall establish the pilot projects
24 in as many geographic areas as practicable, except that

1 none of the projects shall be established in school districts
2 that use milk described in paragraph (3) or similar milk.

3 “(5) Not later than 2 years after the establishment
4 of pilot projects under this subsection, the Secretary shall
5 report to the appropriate committees of Congress on—

6 “(A) the acceptability of fortified whole, lowfat,
7 and skim milk products to participating children;

8 “(B) the impact of offering the milk on milk
9 consumption;

10 “(C) the views of the school food service au-
11 thorities on the pilot projects; and

12 “(D) any increases or reductions in costs attrib-
13 uted to the pilot projects.

14 “(6) The Secretary shall—

15 “(A) obtain copies of any research studies or
16 papers that discuss the impact of the fortification of
17 milk pursuant to standards established by the
18 States; and

19 “(B) on request, make available to State agen-
20 cies and the public—

21 “(i) the information obtained under sub-
22 paragraph (A); and

23 “(ii) information about where to obtain
24 milk described in paragraph (3).

1 “(7)(A) The pilot projects established under this sub-
2 section shall terminate on the last day of the third year
3 after the establishment of the pilot projects.

4 “(B) The Secretary shall advise representatives of all
5 districts participating in the pilot projects that the dis-
6 tricts may continue to offer the fortified forms of milk de-
7 scribed in paragraph (3) after the project terminates.”.

8 (b) INCREASED CHOICES OF FRUITS, VEGETABLES,
9 LEGUMES, CEREALS, AND GRAIN-BASED PRODUCTS.—
10 Section 18 of such Act (42 U.S.C. 1769) (as amended by
11 subsection (a)) is further amended by adding at the end
12 the following new subsection:

13 “(f)(1) The Secretary is authorized to establish a
14 pilot project to assist schools participating in the school
15 lunch program established under this Act, and the school
16 breakfast program established under section 4 of the Child
17 Nutrition Act of 1966 (42 U.S.C. 1773), to offer partici-
18 pating students additional choices of fruits, vegetables,
19 legumes, cereals, and grain-based products (including,
20 subject to paragraph (7), organically produced agricul-
21 tural commodities and products) (collectively referred to
22 in this subsection as ‘qualified products’).

23 “(2) The Secretary shall establish procedures under
24 which schools may apply to participate in the pilot project.

1 To the maximum extent practicable, the Secretary shall
2 select qualified schools that apply from each State.

3 “(3) The Secretary shall use the funds provided
4 under this subsection to provide to the schools referred
5 to in paragraph (1)—

6 “(A) per meal reimbursements, in addition to
7 reimbursements otherwise due the schools;

8 “(B) incentive awards to schools that agree to
9 increase the choices of the schools of qualified prod-
10 ucts during the school year; or

11 “(C) qualified products acquired by the Sec-
12 retary.

13 “(4) The Secretary may provide a priority for receiv-
14 ing funds under this subsection to—

15 “(A) schools that are located in low-income
16 areas (as defined by the Secretary); and

17 “(B) schools that rarely offer 3 or more choices
18 of qualified products per meal.

19 “(5) On request, the Secretary shall provide informa-
20 tion to the appropriate committees of Congress on the im-
21 pact of the pilot project on participating schools, includ-
22 ing—

23 “(A) the extent to which school children in-
24 creased consumption of qualified products;

1 “(B) the extent to which increased consumption
2 of qualified products offered under the pilot project
3 has contributed to a reduction in fat intake in the
4 school breakfast and school lunch programs;

5 “(C) the desirability of—

6 “(i) requiring that each school participat-
7 ing in the school breakfast program increase
8 the number of choices of qualified products of-
9 fered per meal to at least 2 choices;

10 “(ii) requiring that each school participat-
11 ing in the school lunch program increase the
12 number of choices of qualified products offered
13 per meal; and

14 “(iii) mandating that the Secretary provide
15 additional Federal reimbursements to assist
16 schools in complying with clauses (i) and (ii);

17 “(D) the views of school food service authorities
18 on the pilot project; and

19 “(E) any increase or reduction in costs to the
20 schools in offering the additional qualified products.

21 “(6) Subject to the availability of funds appropriated
22 to carry out this subsection, the Secretary shall use not
23 more than \$10,000,000 for each of fiscal years 1995
24 through 1997 to carry out this subsection.

1 “(7) For purposes of this subsection, qualified prod-
2 ucts shall include organically produced agricultural com-
3 modities and products beginning on the date the Secretary
4 establishes an organic certification program for producers
5 and handlers of agricultural products in accordance with
6 the Organic Foods Production Act of 1990 (7 U.S.C. 6501
7 et seq.).”.

8 (c) INCREASED CHOICES OF LOWFAT DAIRY PROD-
9 UCTS AND LEAN MEAT AND POULTRY PRODUCTS.—Sec-
10 tion 18 of such Act (42 U.S.C. 1769) (as amended by sub-
11 section (b)) is further amended by adding at the end the
12 following new subsection:

13 “(g)(1) The Secretary is authorized to establish a
14 pilot project to assist schools participating in the school
15 lunch program established under this Act, and the school
16 breakfast program established under section 4 of the Child
17 Nutrition Act of 1966 (42 U.S.C. 1773), to offer partici-
18 pating students additional choices of lowfat dairy products
19 and lean meat and poultry products (including, subject to
20 paragraph (7), organically produced agricultural commod-
21 ities and products) (collectively referred to in this sub-
22 section as ‘qualified products’).

23 “(2) The Secretary shall establish procedures under
24 which schools may apply to participate in the pilot project.

1 To the maximum extent practicable, the Secretary shall
2 select qualified schools that apply from each State.

3 “(3) The Secretary shall use the funds provided
4 under this subsection to provide to the schools referred
5 to in paragraph (1)—

6 “(A) per meal reimbursements, in addition to
7 reimbursements otherwise due the schools;

8 “(B) incentive awards to schools that agree to
9 increase the choices of the schools of qualified prod-
10 ucts during the school year; or

11 “(C) qualified products acquired by the Sec-
12 retary.

13 “(4) The Secretary may provide a priority for receiv-
14 ing funds under this subsection to—

15 “(A) schools that are located in low-income
16 areas (as defined by the Secretary); and

17 “(B) schools that rarely offer 3 or more choices
18 of qualified products per meal.

19 “(5) On request, the Secretary shall provide informa-
20 tion to the appropriate committees of Congress on the im-
21 pact of the pilot project on participating schools, includ-
22 ing—

23 “(A) the extent to which school children in-
24 creased consumption of qualified products;

1 “(B) the extent to which increased consumption
2 of qualified products offered under the pilot project
3 has contributed to a reduction in fat intake in the
4 school breakfast and school lunch programs;

5 “(C) the desirability of—

6 “(i) requiring that each school participat-
7 ing in the school breakfast program increase
8 the number of choices of qualified products of-
9 fered per meal to at least 2 choices;

10 “(ii) requiring that each school participat-
11 ing in the school lunch program increase the
12 number of choices of qualified products offered
13 per meal; and

14 “(iii) mandating that the Secretary provide
15 additional Federal reimbursements to assist
16 schools in complying with clauses (i) and (ii);

17 “(D) the views of the school food service au-
18 thorities on the pilot project; and

19 “(E) any increase or reduction in costs to the
20 schools in offering the additional qualified products.

21 “(6) Subject to the availability of funds appropriated
22 to carry out this subsection, the Secretary shall use not
23 more than \$10,000,000 for each of fiscal years 1995
24 through 1997 to carry out this subsection.

1 “(7) For purposes of this subsection, qualified prod-
 2 ucts shall include organically produced agricultural com-
 3 modities and products beginning on the date the Secretary
 4 establishes an organic certification program for producers
 5 and handlers of agricultural products in accordance with
 6 the Organic Foods Production Act of 1990 (7 U.S.C. 6501
 7 et seq.).”.

8 **SEC. 118. FOOD SERVICE MANAGEMENT INSTITUTE.**

9 (a) REQUIRED ACTIVITIES.—Section 21(c)(2) of the
 10 National School Lunch Act (42 U.S.C. 1769b–1(c)(2)) is
 11 amended—

12 (1) in subparagraph (B)—

13 (A) by striking “and” at the end of clause

14 (viii);

15 (B) by redesignating clause (ix) as clause

16 (x); and

17 (C) by inserting after clause (viii) the fol-
 18 lowing new clause:

19 “(ix) culinary skills; and”;

20 (2) by striking “and” at the end of subpara-
 21 graph (D);

22 (3) by striking the period at the end of sub-
 23 paragraph (E) and inserting a semicolon; and

24 (4) by adding at the end the following new sub-
 25 paragraphs:

1 “(F) training food service personnel to
 2 comply with the nutrition guidance and objec-
 3 tives of section 24 through a national network
 4 of instructors or other means;

5 “(G) preparing informational materials,
 6 such as video instruction tapes and menu plan-
 7 ners, to promote healthier food preparation; and

8 “(H) assisting State educational agencies
 9 in providing additional nutrition and health in-
 10 structions and instructors, including training
 11 personnel to comply with the nutrition guidance
 12 and objectives of section 24.”.

13 (b) USE OF FOOD SERVICE MANAGEMENT INSTI-
 14 TUTE FOR DIETARY AND NUTRITION ACTIVITIES.—Sec-
 15 tion 21(d) (42 U.S.C. 1769b–1(d)) is amended—

16 (1) by striking “(d) COORDINATION.—The” and
 17 inserting the following:

18 “(d) COORDINATION.—

19 “(1) IN GENERAL.—The”; and

20 (2) by adding at the end the following new
 21 paragraph:

22 “(2) USE OF INSTITUTE FOR DIETARY AND NU-
 23 TRITION ACTIVITIES.—The Secretary shall use any
 24 food service management institute established under

1 subsection (a)(2) to assist in carrying out dietary
2 and nutrition activities of the Secretary.”.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
4 21 of such Act (42 U.S.C. 1769b–1) is amended—

5 (1) in subsection (a)(1), by striking “from” and
6 inserting “subject to the availability of, and from,”;
7 and

8 (2) by striking subsection (e) and inserting the
9 following new subsection:

10 “(e) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) TRAINING ACTIVITIES AND TECHNICAL AS-
12 SISTANCE.—There are authorized to be appropriated
13 \$3,000,000 for fiscal year 1990, \$2,000,000 for fis-
14 cal year 1991, and \$1,000,000 for each of fiscal
15 years 1992 through 1998 for purposes of carrying
16 out subsection (a)(1).

17 “(2) FOOD SERVICE MANAGEMENT INSTI-
18 TUTE.—

19 “(A) FUNDING.—Out of any moneys in the
20 Treasury not otherwise appropriated, the Sec-
21 retary of the Treasury shall provide to the Sec-
22 retary \$2,000,000 for fiscal year 1995 and each
23 subsequent fiscal year to carry out subsection
24 (a)(2). The Secretary shall be entitled to receive
25 the funds and shall accept the funds.

1 “(B) ADDITIONAL FUNDING.—In addition
2 to amounts made available under subparagraph
3 (A), there are authorized to be appropriated to
4 carry out subsection (a)(2) such sums as are
5 necessary for fiscal year 1995 and each subse-
6 quent fiscal year. The Secretary shall carry out
7 activities under subsection (a)(2), in addition to
8 the activities funded under subparagraph (A),
9 to the extent provided for, and in such amounts
10 as are provided for, in advance in appropria-
11 tions Acts.

12 “(C) FUNDING FOR EDUCATION, TRAIN-
13 ING, OR APPLIED RESEARCH OR STUDIES.—In
14 addition to amounts made available under sub-
15 paragraphs (A) and (B), from amounts other-
16 wise appropriated in discretionary appropria-
17 tions, the Secretary may provide funds to any
18 food service management institute established
19 under subsection (a)(2) for projects specified by
20 the Secretary that will contribute to implement-
21 ing dietary or nutrition initiatives. Any addi-
22 tional funding under this subparagraph shall be
23 provided noncompetitively in a separate cooper-
24 ative agreement.”.

1 **SEC. 119. COMPLIANCE AND ACCOUNTABILITY.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Director of the Office of Technology As-
4 sessment shall submit a report to the Committee on Edu-
5 cation and Labor of the House of Representatives and the
6 Committee on Agriculture, Nutrition, and Forestry of the
7 Senate that analyzes—

8 (1) the status of the coordinated review system
9 authorized under section 22 of the National School
10 Lunch Act (42 U.S.C. 1769c);

11 (2) the advantages and disadvantages of the
12 system; and

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

14 **SEC. 120. DUTIES OF THE SECRETARY OF AGRICULTURE**
15 **RELATING TO NONPROCUREMENT DEBAR-**
16 **MENT UNDER CERTAIN CHILD NUTRITION**
17 **PROGRAMS.**

18 (a) FINDINGS.—Congress finds that—

19 (1) in recent years, there has been an alarming
20 number of instances of price-fixing and bid-rigging
21 regarding foods purchased for—

22 (A) the school lunch program established
23 under the National School Lunch Act (42
24 U.S.C. 1751 et seq.); and

1 (B) the school breakfast program estab-
2 lished under section 4 of the Child Nutrition
3 Act of 1966 (42 U.S.C. 1773);

4 (2) effective educational and monitoring pro-
5 grams can greatly reduce the incidence of price-fix-
6 ing and bid-rigging by companies that sell products
7 to schools;

8 (3) reducing the incidence of price-fixing and
9 bid-rigging in connection with the school lunch and
10 breakfast programs could save school districts, par-
11 ents, and taxpayers millions of dollars per year; and

12 (4) the Comptroller General of the United
13 States has noted that bid-rigging awareness training
14 is an effective means of deterring improper collusion
15 and bid-rigging.

16 (b) NONPROCUREMENT DEBARMENT.—The National
17 School Lunch Act (42 U.S.C. 1751 et seq.) is amended
18 by adding at the end the following new section:

19 **“SEC. 25. DUTIES OF THE SECRETARY RELATING TO**
20 **NONPROCUREMENT DEBARMENT.**

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

1 “(1) establishing guidelines and a timetable for
2 the Secretary to initiate debarment proceedings, as
3 well as establishing mandatory debarment periods;
4 and

5 “(2) providing training, technical advice, and
6 guidance in identifying and preventing the activities.

7 “(b) DEFINITIONS.—As used in this section:

8 “(1) CHILD NUTRITION PROGRAM.—The term
9 ‘child nutrition program’ means—

10 “(A) the school lunch program established
11 under this Act;

12 “(B) the summer food service program for
13 children established under section 13;

14 “(C) the child and adult care food program
15 established under section 17;

16 “(D) the homeless children nutrition pro-
17 gram established under section 17B;

18 “(E) the special milk program established
19 under section 3 of the Child Nutrition Act of
20 1966 (42 U.S.C. 1772);

21 “(F) the school breakfast program estab-
22 lished under section 4 of such Act (42 U.S.C.
23 1773); and

24 “(G) the special supplemental nutrition
25 program for women, infants, and children au-

1 thorized under section 17 of such Act (42
2 U.S.C. 1786).

3 “(2) CONTRACTOR.—The term ‘contractor’
4 means a person that contracts with a State, an
5 agency of a State, or a local agency to provide goods
6 or services in relation to the participation of a local
7 agency in a child nutrition program.

8 “(3) LOCAL AGENCY.—The term ‘local agency’
9 means a school, school food authority, child care
10 center, sponsoring organization, or other entity au-
11 thorized to operate a child nutrition program at the
12 local level.

13 “(4) NONPROCUREMENT DEBARMENT.—The
14 term ‘nonprocurement debarment’ means an action
15 to bar a person from programs and activities involv-
16 ing Federal financial and nonfinancial assistance,
17 but not including Federal procurement programs
18 and activities.

19 “(5) PERSON.—The term ‘person’ means any
20 individual, corporation, partnership, association, co-
21 operative, or other legal entity, however organized.

22 “(c) ASSISTANCE TO IDENTIFY AND PREVENT
23 FRAUD AND ANTICOMPETITIVE ACTIVITIES.—The Sec-
24 retary shall—

1 “(1) in cooperation with any other appropriate
2 individual, organization, or agency, provide advice,
3 training, technical assistance, and guidance (which
4 may include awareness training, training films, and
5 troubleshooting advice) to representatives of States
6 and local agencies regarding means of identifying
7 and preventing fraud and anticompetitive activities
8 relating to the provision of goods or services in con-
9 junction with the participation of a local agency in
10 a child nutrition program; and

11 “(2) provide information to, and fully cooperate
12 with, the Attorney General and State attorneys gen-
13 eral regarding investigations of fraud and anti-
14 competitive activities relating to the provision of
15 goods or services in conjunction with the participa-
16 tion of a local agency in a child nutrition program.

17 “(d) NONPROCUREMENT DEBARMENT.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (3) and subsection (e), not later than 180
20 days after notification of the occurrence of a cause
21 for debarment described in paragraph (2), the Sec-
22 retary shall initiate nonprocurement debarment pro-
23 ceedings against the contractor who has committed
24 the cause for debarment.

1 “(2) CAUSES FOR DEBARMENT.—Actions re-
2 quiring initiation of nonprocurement debarment pur-
3 suant to paragraph (1) shall include a situation in
4 which a contractor is found guilty in any criminal
5 proceeding, or found liable in any civil or adminis-
6 trative proceeding, in connection with the supplying,
7 providing, or selling of goods or services to any local
8 agency in connection with a child nutrition program,
9 of—

10 “(A) an anticompetitive activity, including
11 bid-rigging, price-fixing, the allocation of cus-
12 tomers between competitors, or other violation
13 of Federal or State antitrust laws;

14 “(B) fraud, bribery, theft, forgery, or em-
15 bezzlement;

16 “(C) knowingly receiving stolen property;

17 “(D) making a false claim or statement; or

18 “(E) other obstruction of justice.

19 “(3) EXCEPTION.—If the Secretary determines
20 that a decision on initiating nonprocurement debar-
21 ment proceedings cannot be made within 180 days
22 after notification of the occurrence of a cause for de-
23 barment described in paragraph (2) because of the
24 need to further investigate matters relating to the
25 possible debarment or for other good cause (as de-

1 terminated by the Secretary), the Secretary may have
2 such additional time as the Secretary considers nec-
3 essary to make a decision, but not to exceed an addi-
4 tional 180 days.

5 “(4) MANDATORY CHILD NUTRITION PROGRAM
6 DEBARMENT PERIODS.—

7 “(A) IN GENERAL.—Subject to the other
8 provisions of this paragraph and notwithstand-
9 ing any other provision of law except subsection
10 (e), if, after deciding to initiate nonprocurement
11 debarment proceedings pursuant to paragraph
12 (1), the Secretary decides to debar a contractor,
13 the debarment shall be for a period of not less
14 than 1 year.

15 “(B) PREVIOUS DEBARMENT.—If the con-
16 tractor has been previously debarred pursuant
17 to nonprocurement debarment proceedings initi-
18 ated pursuant to paragraph (1), and the cause
19 for debarment is described in paragraph (2)
20 based on activities that occurred subsequent to
21 the initial debarment, the debarment shall be
22 for a period of not less than 3 years.

23 “(C) SCOPE.—At a minimum, a debarment
24 under this subsection shall serve to bar the con-
25 tractor for the specified period from contracting

1 to provide goods or services in conjunction with
2 the participation of a local agency in a child nu-
3 trition program.

4 “(D) REVERSAL, REDUCTION, OR EXCEP-
5 TION.—Nothing in this section shall restrict the
6 ability of the Secretary to—

7 “(i) reverse a debarment decision;

8 “(ii) reduce the period or scope of a
9 debarment;

10 “(iii) grant an exception permitting a
11 debarred contractor to participate in a par-
12 ticular contract to provide goods or serv-
13 ices; or

14 “(iv) otherwise settle a debarment ac-
15 tion at any time;

16 in conjunction with the participation of a local
17 agency in a child nutrition program, if the Sec-
18 retary determines there is good cause for the
19 action, after taking into account factors set
20 forth in paragraphs (1) through (6) of sub-
21 section (e).

22 “(5) INFORMATION.—On request, the Secretary
23 shall present to the appropriate congressional com-
24 mittees information regarding the decisions required
25 by this subsection.

1 “(6) RELATIONSHIP TO OTHER AUTHORITIES.—A debarment imposed under this section
2 shall not reduce or diminish the authority of a Federal, State, or local government agency or court to
3 penalize, imprison, fine, suspend, debar, or take
4 other adverse action against a person in a civil,
5 criminal, or administrative proceeding.

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

9 “(e) MANDATORY DEBARMENT.—Notwithstanding
10 any other provision of this section, the Secretary shall initiate the nonprocurement debarment proceedings described in subsection (d)(1) against the contractor who
11 has committed a cause for debarment (as determined
12 under subsection (d)(2)), unless the action—

13 “(1) is likely to have a significant adverse effect
14 on competition or prices in the relevant market or
15 nationally;

16 “(2) will interfere with the ability of a local
17 agency to procure a needed product for a child nutrition program;

18 “(3) is unfair to a person that is not involved
19 in the improper activity that would otherwise result
20 in the debarment;

1 “(4) is likely to have significant adverse eco-
2 nomic impacts on the local economy in a manner
3 that is unfair to innocent parties;

4 “(5) is not justified in light of the penalties al-
5 ready imposed on the contractor for violations rel-
6 evant to the proposed debarment; or

7 “(6) is not in the public interest, or otherwise
8 is not in the interests of justice, as determined by
9 the Secretary.

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

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

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

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

1 (c) APPLICABILITY.—Section 25 of the National
2 School Lunch Act (as added by subsection (b)) 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 effective date of section 25 of such Act.

6 (d) NO REDUCTION IN AUTHORITY TO DEBAR OR
7 SUSPEND A PERSON FROM FEDERAL FINANCIAL AND
8 NONFINANCIAL ASSISTANCE AND BENEFITS.—The au-
9 thority of the Secretary of Agriculture that exists on the
10 day before the date of enactment of this Act to debar or
11 suspend a person from Federal financial and nonfinancial
12 assistance and benefits under Federal programs and ac-
13 tivities shall not be diminished or reduced by this Act or
14 the amendment made by subsection (b).

15 **SEC. 121. NUTRITION EDUCATION PROMOTION PROGRAM.**

16 The National School Lunch Act (42 U.S.C. 1751 et
17 seq.) (as amended by section 120(b)) is further amended
18 by adding at the end of each the following new section:

19 **“SEC. 26. NUTRITION EDUCATION PROMOTION PROGRAM.**

20 “(a) IN GENERAL.—The Secretary, using amounts
21 received under subsection (d), shall establish a nutrition
22 education promotion program to promote healthy eating
23 habits among participants in the domestic food assistance
24 programs of the Department.

1 “(b) CONDUCT OF PROGRAM.—In carrying out the
2 program described in subsection (a), the Secretary may—

3 “(1) develop or assist other persons in develop-
4 ing appropriate educational materials, including pub-
5 lic service announcements, promotional publications,
6 and press kits for the purpose of promoting nutri-
7 tion education;

8 “(2) distribute or assist other persons in dis-
9 tributing the materials to appropriate public or pri-
10 vate individuals and entities; and

11 “(3) provide funds to public or private individ-
12 uals and entities, including teachers, child care pro-
13 viders, physicians, health professional organizations,
14 food service personnel, school food authorities, and
15 community-based organizations for the purpose of
16 assisting the individuals and entities in conducting
17 nutrition education promotion programs to promote
18 healthy eating habits among the participants in the
19 domestic food assistance programs of the Depart-
20 ment.

21 “(c) COOPERATIVE AGREEMENTS AND GRANTS.—
22 The Secretary may enter into cooperative agreements
23 with, and make grants to, Federal agencies, State, and
24 local governments, and other entities, to carry out the pro-
25 gram described in subsection (a).

1 “(d) GIFTS, BEQUESTS, AND DEVISES.—

2 “(1) IN GENERAL.—Notwithstanding any other
3 provision of law, the Secretary may solicit, accept,
4 use, and dispose of gifts, bequests, or devises of
5 services or property, both real and personal, for the
6 purpose of establishing and carrying out the pro-
7 gram described in subsection (a). Gifts, bequests, or
8 devises of money and proceeds from the sale of other
9 property received as gifts, bequests, or devises shall
10 be deposited in the Treasury and shall be available
11 for disbursement on order of the Secretary.

12 “(2) CRITERIA FOR ACCEPTANCE.—The Sec-
13 retary shall establish criteria for determining wheth-
14 er to solicit and accept gifts, bequests, or devises
15 under paragraph (1), including criteria that would
16 ensure that the acceptance of any gifts, bequests, or
17 devises would not—

18 “(A) reflect unfavorably on the ability of
19 the Secretary to carry out the responsibilities of
20 the Secretary in a fair and objective manner; or

21 “(B) compromise, or appear to com-
22 promise, the integrity of any governmental pro-
23 gram or any officer or employee involved in the
24 program.”.

1 **SEC. 122. INFORMATION CLEARINGHOUSE.**

2 The National School Lunch Act (42 U.S.C. 1751 et
3 seq.) (as amended by section 121) is further amended by
4 adding at the end the following new section:

5 **“SEC. 27. INFORMATION CLEARINGHOUSE.**

6 “(a) IN GENERAL.—The Secretary shall enter into
7 a contract with a nongovernmental organization described
8 in subsection (b) to establish and maintain a clearinghouse
9 to provide information to nongovernmental groups located
10 throughout the United States that assist low-income indi-
11 viduals or communities regarding food assistance, self-help
12 activities to aid individuals in becoming self-reliant, and
13 other activities that empower low-income individuals or
14 communities to improve the lives of low-income individuals
15 and reduce reliance on Federal, State, or local govern-
16 mental agencies for food or other assistance.

17 “(b) NONGOVERNMENTAL ORGANIZATION.—The
18 nongovernmental organization referred to in subsection
19 (a) shall be selected on a competitive basis and shall—

20 “(1) be experienced in the gathering of first-
21 hand information in all the States through onsite
22 visits to grassroots organizations in each State that
23 fight hunger and poverty or that assist individuals
24 in becoming self-reliant;

1 “(2) be experienced in the establishment of a
2 clearinghouse similar to the clearinghouse described
3 in subsection (a);

4 “(3) agree to contribute in-kind resources to-
5 wards the establishment and maintenance of the
6 clearinghouse and agree to provide clearinghouse in-
7 formation, free of charge, to the Secretary, States,
8 counties, cities, antihunger groups, and grassroots
9 organizations that assist individuals in becoming
10 self-sufficient and self-reliant;

11 “(4) be sponsored by an organization, or be an
12 organization, that—

13 “(A) has helped combat hunger for at least
14 10 years;

15 “(B) is committed to reinvesting in the
16 United States; and

17 “(C) is knowledgeable regarding Federal
18 nutrition programs;

19 “(5) be experienced in communicating the pur-
20 pose of the clearinghouse through the media, includ-
21 ing the radio and print media, and be able to pro-
22 vide access to the clearinghouse information through
23 computer or telecommunications technology, as well
24 as through the mails; and

1 “(6) be able to provide examples, advice, and
2 guidance to States, counties, cities, communities,
3 antihunger groups, and local organizations regarding
4 means of assisting individuals and communities to
5 reduce reliance on government programs, reduce
6 hunger, improve nutrition, and otherwise assist low-
7 income individuals and communities become more
8 self-sufficient.

9 “(c) AUDITS.—The Secretary shall establish fair and
10 reasonable auditing procedures regarding the expenditures
11 of funds to carry out this section.

12 “(d) FUNDING.—Out of any moneys in the Treasury
13 not otherwise appropriated, the Secretary of the Treasury
14 shall pay to the Secretary to provide to the organization
15 selected under this section, to establish and maintain the
16 information clearinghouse, \$200,000 for each of fiscal
17 years 1995 and 1996, \$150,000 for each of fiscal years
18 1997 and 1998, and \$75,000 for fiscal year 1999. The
19 Secretary shall be entitled to receive the funds and shall
20 accept the funds.”.

1 **SEC. 123. GUIDANCE AND GRANTS FOR ACCOMMODATING**
2 **MEDICAL AND SPECIAL DIETARY NEEDS OF**
3 **CHILDREN WITH DISABILITIES.**

4 The National School Lunch Act (42 U.S.C. 1751 et
5 seq.) (as amended by section 122) is further amended by
6 adding at the end the following new section:

7 **“SEC. 28. GUIDANCE AND GRANTS FOR ACCOMMODATING**
8 **MEDICAL AND SPECIAL DIETARY NEEDS OF**
9 **CHILDREN WITH DISABILITIES.**

10 “(a) DEFINITIONS.—As used in this section:

11 “(1) CHILDREN WITH DISABILITIES.—The term
12 ‘children with disabilities’ means individuals, each of
13 which is—

14 “(A) a participant in a covered program;
15 and

16 “(B) an individual with a disability, as de-
17 fined in section 7(8) of the Rehabilitation Act
18 of 1973 (29 U.S.C. 706(8)) for purposes of sec-
19 tion 504 of the Rehabilitation Act of 1973 (29
20 U.S.C. 794).

21 “(2) COVERED PROGRAM.—The term ‘covered
22 program’ means—

23 “(A) the school lunch program established
24 under this Act;

1 “(B) the school breakfast program estab-
2 lished under section 4 of the Child Nutrition
3 Act of 1966 (42 U.S.C. 1773); and

4 “(C) any other program established under
5 this Act or the Child Nutrition Act of 1966 (42
6 U.S.C. 1771 et seq.) that the Secretary deter-
7 mines is appropriate.

8 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
9 tity’ means a school food service authority, or insti-
10 tution or organization, that participates in a covered
11 program.

12 “(b) GUIDANCE.—

13 “(1) DEVELOPMENT.—The Secretary, in con-
14 sultation with the Attorney General and the Sec-
15 retary of Education, shall develop and approve guid-
16 ances for accommodating the medical and special di-
17 etary needs of children with disabilities under cov-
18 ered programs in a manner that is consistent with
19 section 504 of the Rehabilitation Act of 1973 (29
20 U.S.C. 794).

21 “(2) TIMING.—In the case of the school lunch
22 program established under this Act and the school
23 breakfast program established under section 4 of the
24 Child Nutrition Act of 1966 (42 U.S.C. 1773), the
25 Secretary shall develop the guidance as required by

1 paragraph (1) not later than 90 days after the date
2 of enactment of this section.

3 “(3) DISTRIBUTION.—Not later than 60 days
4 after the date that the development of the guidance
5 relating to a covered program is completed, the Sec-
6 retary shall distribute the guidance to school food
7 service authorities, and institutions and organiza-
8 tions, participating in the covered program.

9 “(4) REVISION OF GUIDANCE.—The Secretary,
10 in consultation with the Attorney General and the
11 Secretary of Education, shall periodically update and
12 approve the guidance to reflect new scientific infor-
13 mation and comments and suggestions from persons
14 carrying out covered programs, recognized medical
15 authorities, parents, and other persons.

16 “(c) GRANTS.—

17 “(1) IN GENERAL.—Subject to the availability
18 of appropriations provided in advance to carry out
19 this subsection, the Secretary shall make grants on
20 a competitive basis to State educational agencies for
21 distribution to eligible entities to assist the eligible
22 entities with nonrecurring expenses incurred in ac-
23 commodating the medical and special dietary needs
24 of children with disabilities in a manner that is con-

1 sistent with section 504 of the Rehabilitation Act of
2 1973 (29 U.S.C. 794).

3 “(2) ADDITIONAL ASSISTANCE.—Subject to
4 paragraph (3)(A)(iii), assistance received through
5 grants made under this subsection shall be in addi-
6 tion to any other assistance that State educational
7 agencies and eligible entities would otherwise receive.

8 “(3) ALLOCATION BY SECRETARY.—

9 “(A) PREFERENCE.—In making grants
10 under this subsection for any fiscal year, the
11 Secretary shall provide a preference to State
12 educational agencies that, individually—

13 “(i) submit to the Secretary a plan for
14 accommodating the needs described in
15 paragraph (1), including a description of
16 the purpose of the project for which the
17 agency seeks such a grant, a budget for
18 the project, and a justification for the
19 budget;

20 “(ii) provide to the Secretary data
21 demonstrating that the State served by the
22 agency has a substantial percentage of
23 children with medical or special dietary
24 needs, and information explaining the basis
25 for the data; or

1 “(iii) demonstrate to the satisfaction
2 of the Secretary that the activities sup-
3 ported through such a grant will be coordi-
4 nated with activities supported under other
5 Federal, State, and local programs, includ-
6 ing—

7 “(I) activities carried out under
8 title XIX of the Social Security Act
9 (42 U.S.C. 1396 et seq.);

10 “(II) activities carried out under
11 the Individuals with Disabilities Edu-
12 cation Act (20 U.S.C. 1400 et seq.);
13 and

14 “(III) activities carried out under
15 section 19 of the Child Nutrition Act
16 of 1966 (42 U.S.C. 1788) or by the
17 food service management institute es-
18 tablished under section 21.

19 “(B) REALLOCATION.—The Secretary shall
20 act in a timely manner to recover and reallocate
21 to other States any amounts provided to a
22 State educational agency under this subsection
23 that are not used by the agency within a rea-
24 sonable period (as determined by the Sec-
25 retary).

1 “(C) APPLICATIONS.—The Secretary shall
 2 allow State educational agencies to apply on an
 3 annual basis for assistance under this sub-
 4 section.

5 “(4) ALLOCATION BY STATE EDUCATIONAL
 6 AGENCIES.—In allocating funds made available
 7 under this subsection within a State, the State edu-
 8 cational agency shall give a preference to eligible en-
 9 tities that demonstrate the greatest ability to use the
 10 funds to carry out the plan submitted by the State
 11 in accordance with paragraph (3)(A)(i).

12 “(5) MAINTENANCE OF EFFORT.—Expenditures
 13 of funds from State and local sources to accommo-
 14 date the needs described in paragraph (1) shall not
 15 be diminished as a result of grants received under
 16 this subsection.

17 “(6) AUTHORIZATION OF APPROPRIATIONS.—
 18 There are authorized to be appropriated \$1,000,000
 19 for each of fiscal years 1995 through 2000 to carry
 20 out this subsection.”.

21 **SEC. 124. INSPECTION OF JUICE AND JUICE PRODUCTS.**

22 (a) IN GENERAL.—The National School Lunch Act
 23 (42 U.S.C. 1751 et seq.) (as amended by section 123) is
 24 further amended by adding at the end the following new
 25 section:

1 **“SEC. 29. INSPECTION OF JUICE AND JUICE PRODUCTS.**

2 “(a) DEFINITION OF JUICE AND JUICE PRODUCT.—

3 As used in this section, the terms ‘juice’ and ‘juice prod-
4 uct’ mean juice and a juice-based product, respectively, for
5 which a United States standard for a grade has been is-
6 sued by the Secretary under the Agricultural Marketing
7 Act of 1946 (7 U.S.C. 1621 et seq.).

8 “(b) PROHIBITION.—No State, State agency, or local
9 agency shall contract to procure, or make available, juice
10 or a juice product for use in the school lunch program
11 established under this Act or the school breakfast program
12 established under section 4 of the Child Nutrition Act of
13 1966 (42 U.S.C. 1773) unless the juice or juice product
14 was processed under in-plant inspection conducted by the
15 Secretary.

16 “(c) REGULATIONS.—The Secretary shall issue such
17 regulations as are necessary to carry out this section.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall become effective on the date that is
20 270 days after the date of enactment of this Act.

21 **SEC. 125. ADMINISTRATION OF NUTRITION PROGRAMS.**

22 Not later than 180 days after the date of enactment
23 of this Act, the Secretary of Agriculture shall issue regula-
24 tions that—

1 (1) significantly ease the administrative and pa-
 2 perwork burdens on participating schools and fami-
 3 lies with respect to—

4 (A) the school lunch program established
 5 under the National School Lunch Act (42
 6 U.S.C. 1751 et seq.); and

7 (B) the school breakfast program estab-
 8 lished under section 4 of the Child Nutrition
 9 Act of 1966 (42 U.S.C. 1773); and

10 (2) streamline Federal, State, and local admin-
 11 istration of all programs established under the Na-
 12 tional School Lunch Act (42 U.S.C. 1751 et seq.)
 13 and the Child Nutrition Act of 1966 (42 U.S.C.
 14 1771 et seq.).

15 **TITLE II—SCHOOL BREAKFAST** 16 **AND RELATED PROGRAMS**

17 **SEC. 201. SCHOOL BREAKFAST PROGRAM.**

18 (a) TECHNICAL ASSISTANCE FOR SCHOOL BREAK-
 19 FAST PROGRAM.—Section 4(e)(1) of the Child Nutrition
 20 Act of 1966 (42 U.S.C. 1773(e)(1)) is amended—

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

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

24 “(B) The Secretary shall provide through State edu-
 25 cational agencies technical assistance and training, includ-

1 ing technical assistance and training in the preparation
2 of foods high in complex carbohydrates and lower-fat ver-
3 sions of foods commonly used in the school breakfast pro-
4 gram established under this section, to schools participat-
5 ing in the school breakfast program to assist the schools
6 in complying with the nutritional requirements prescribed
7 by the Secretary pursuant to subparagraph (A) and in
8 providing appropriate meals to children with medically cer-
9 tified special dietary needs. The Secretary shall provide
10 through State educational agencies additional technical as-
11 sistance to schools that are having difficulty maintaining
12 compliance with the requirements.”.

13 (b) STARTUP AND EXPANSION OF SCHOOL BREAK-
14 FAST PROGRAM AND SUMMER FOOD SERVICE PROGRAM
15 FOR CHILDREN.—Subsection (g) of section 4 of the Child
16 Nutrition Act of 1966 (42 U.S.C. 1773(g)) is amended
17 to read as follows:

18 “STARTUP COSTS

19 “(g)(1) The Secretary shall make payments, totalling
20 not less than \$5,000,000 for each of fiscal years 1991
21 through 1996, \$6,000,000 for each of fiscal years 1997
22 and 1998, and \$7,000,000 for fiscal year 1999 and each
23 subsequent fiscal year, on a competitive basis and in the
24 following order of priority (subject to other provisions of
25 this subsection), to—

1 “(A) State educational agencies in a substantial
2 number of States for distribution to eligible schools
3 to assist the schools with nonrecurring expenses in-
4 curred in—

5 “(i) initiating a school breakfast program
6 under this section; or

7 “(ii) expanding a school breakfast pro-
8 gram; and

9 “(B) a substantial number of States for dis-
10 tribution to service institutions to assist the institu-
11 tions with nonrecurring expenses incurred in—

12 “(i) initiating a summer food service pro-
13 gram for children; or

14 “(ii) expanding a summer food service pro-
15 gram for children.

16 “(2) Payments received under this subsection shall
17 be in addition to payments to which State agencies are
18 entitled under subsection (b) and section 13 of the Na-
19 tional School Lunch Act (42 U.S.C. 1761).

20 “(3) To be eligible to receive a payment under this
21 subsection, a State educational agency shall submit to the
22 Secretary a plan to expand school breakfast programs con-
23 ducted in the State, including a description of the manner
24 in which the agency will provide technical assistance and
25 funding to schools in the State to expand the programs.

1 “(4) In making payments under this subsection for
2 any fiscal year to initiate or expand school breakfast pro-
3 grams, the Secretary shall provide a preference to State
4 educational agencies that—

5 “(A) have in effect a State law that requires
6 the expansion of the programs during the year;

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

10 “(C) do not have a breakfast program available
11 to a large number of low-income children in the
12 State; or

13 “(D) serve an unmet need among low-income
14 children, as determined by the Secretary.

15 “(5) In making payments under this subsection for
16 any fiscal year to initiate or expand summer food service
17 programs for children, the Secretary shall provide a pref-
18 erence to States—

19 “(A)(i) in which the numbers of children par-
20 ticipating in the summer food service program for
21 children represent the lowest percentages of the
22 number of children receiving free or reduced price
23 meals under the national school lunch program es-
24 tablished under the National School Lunch Act (42
25 U.S.C. 1751 et seq.); or

1 “(ii) that do not have a summer food service
2 program for children available to a large number of
3 low-income children in the State; and

4 “(B) that submit to the Secretary a plan to ex-
5 pand the summer food service programs for children
6 conducted in the State, including a description of—

7 “(i) the manner in which the State will
8 provide technical assistance and funding to
9 service institutions in the State to expand the
10 programs; and

11 “(ii) significant public or private resources
12 that have been assembled to carry out the ex-
13 pansion of the programs during the year.

14 “(6) The Secretary shall act in a timely manner to
15 recover and reallocate to other States any amounts pro-
16 vided to a State educational agency or State under this
17 subsection that are not used by the agency or State within
18 a reasonable period (as determined by the Secretary).

19 “(7) The Secretary shall allow States to apply on an
20 annual basis for assistance under this subsection.

21 “(8) Each State agency and State, in allocating funds
22 within the State, shall give preference for assistance under
23 this subsection to eligible schools and service institutions
24 that demonstrate the greatest need for a breakfast pro-

1 gram or a summer food service program for children, re-
2 spectively.

3 “(9) Expenditures of funds from State and local
4 sources for the maintenance of the breakfast program and
5 the summer food service program for children shall not
6 be diminished as a result of payments received under this
7 subsection.

8 “(10) As used in this subsection:

9 “(A) The term ‘eligible school’ means a
10 school—

11 “(i) attended by children a significant per-
12 centage of whom are members of low-income
13 families; and

14 “(ii) that agrees to operate the breakfast
15 program established with the assistance pro-
16 vided under this section for a period of not less
17 than 3 years.

18 “(B) The term ‘service institutions’ means an
19 institution or organization described in paragraph
20 (1)(B) or (7) of section 13(a) of the National School
21 Lunch Act (42 U.S.C. 1761(a)(1)(B) or (7)).

22 “(C) The term ‘summer food service program
23 for children’ means a program authorized by section
24 13 of such Act (42 U.S.C. 1761).”.

1 **SEC. 202. STATE ADMINISTRATIVE EXPENSES.**

2 (a) FUNDING FOR HOMELESS CHILDREN NUTRITION
3 PROGRAM.—Section 7(a) of the Child Nutrition Act of
4 1966 (42 U.S.C. 1776(a)) is amended—

5 (1) in the second sentence of paragraph (1), by
6 striking “paragraphs (2), (3), and (4) of this sub-
7 section” and inserting “paragraphs (2) through
8 (5)”; and

9 (2) in paragraph (5), by striking subparagraph
10 (B) and inserting the following new subparagraph:

11 “(B)(i) Notwithstanding any other provision of this
12 subsection, of the amounts that are provided under para-
13 graph (1), before making the allocations required under
14 paragraphs (2), (3), and (4), the Secretary shall allocate
15 \$3,000,000 for fiscal year 1995 and each subsequent fiscal
16 year to carry out section 17B of the National School
17 Lunch Act.

18 “(ii) After making the allocations required under
19 clause (i) and paragraphs (2), (3), and (4), the Secretary
20 shall allocate, for purposes of administrative costs, any re-
21 maining amounts among States that demonstrate a need
22 for the amounts.”.

23 (b) WITHHOLDING OF FUNDS FOR SERIOUS DEFICI-
24 CIENCY IN STATE ADMINISTRATION OF PROGRAMS.—Sec-
25 tion 7(a) of such Act (42 U.S.C. 1776(a)) is amended by
26 adding at the end the following new paragraph:

1 “(9)(A) If the Secretary determines that the adminis-
2 tration of any program by a State under this Act (other
3 than section 17) or under the National School Lunch Act
4 (42 U.S.C. 1751 et seq.), or compliance with a regulation
5 issued to carry out a program pursuant to either of such
6 Acts, is seriously deficient, and the State fails to correct
7 the deficiency within a period of time specified by the Sec-
8 retary, the Secretary may withhold from the State all or
9 part of the funds allocated to the State under this section
10 and sections 13(k)(1) and 17 of the National School
11 Lunch Act (42 U.S.C. 1761(k)(1) and 1766).

12 “(B) On a subsequent determination by the Secretary
13 that the administration of the program for which the Sec-
14 retary withheld funds under subparagraph (A), or compli-
15 ance with the regulation issued to carry out the program,
16 is no longer seriously deficient and is carried out in an
17 acceptable manner, the Secretary may allocate all or part
18 of the funds withheld under subparagraph (A) to the
19 State.”.

20 (c) 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 (d) 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 sub-
4 section (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 each study or survey of a program authorized under
11 this Act or the National School Lunch Act (42 U.S.C.
12 1751 et seq.) that is conducted by the Secretary.”.

13 **SEC. 203. COMPETITIVE FOODS OF MINIMAL NUTRITIONAL**
14 **VALUE.**

15 Section 10 of the Child Nutrition Act of 1966 (42
16 U.S.C. 1779) is amended—

17 (1) by designating the first, second, and third
18 sentences as subsections (a), (b), and (c), respec-
19 tively;

20 (2) in subsection (b) (as so designated)—

21 (A) by striking “Such regulations” and in-
22 serting “(1) The regulations”; and

23 (B) by adding at the end the following new
24 paragraphs:

1 “(2) The Secretary shall develop and provide to ele-
2 mentary schools, through each State agency, model lan-
3 guage that bans the sale of competitive foods of minimal
4 nutritional value anywhere on elementary school grounds
5 before the end of the last lunch period.

6 “(3) The Secretary shall provide to secondary
7 schools, through State agencies, a copy of regulations (in
8 existence on the effective date of this paragraph) concern-
9 ing the sale of competitive foods of minimal nutritional
10 value.

11 “(4) Paragraphs (2) and (3) shall not apply to a
12 State that has in effect a ban on the sale of competitive
13 foods of minimal nutritional value in schools in the
14 State.”.

15 **SEC. 204. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.**

16 (a) DEFINITION OF NUTRITIONAL RISK.—Section
17 17(b)(8) of the Child Nutrition Act of 1966 (42 U.S.C.
18 1786(b)(8)) is amended—

19 (1) by redesignating subparagraph (D) as sub-
20 paragraph (E);

21 (2) by inserting after “health,” at the end of
22 subparagraph (C) the following new subparagraph:

23 “(D) conditions that directly affect the nutritional
24 health of a person, such as alcoholism or drug
25 abuse,”; and

1 (3) in subparagraph (E) (as so redesignated), by
2 striking “alcoholism and drug addiction, homeless-
3 ness, and” and inserting “homelessness and”.

4 (b) PRESUMPTIVE ELIGIBILITY.—Section 17(d)(3) of
5 such Act (42 U.S.C. 1786(d)(3)) is amended—

6 (1) by inserting “(A)” after “(3)”; and

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

9 “(B) Under the procedures, a pregnant woman who
10 meets the income eligibility standards shall be considered
11 presumptively eligible to participate in the program and
12 shall be certified for participation immediately, without de-
13 laying certification until an evaluation is made concerning
14 nutritional risk. A nutritional risk evaluation of the
15 woman shall be completed not later than 60 days after
16 the woman is certified for participation. If it is subse-
17 quently determined that the woman does not meet nutri-
18 tional risk criteria, the certification of the woman shall
19 terminate on the date of the determination.”.

20 (c) TECHNICAL CORRECTIONS.—Section 17(e) of
21 such Act (42 U.S.C. 1786(e)) is amended by redesignating
22 paragraph (3) (as added by section 123(a)(3)(D) of the
23 Child Nutrition and WIC Reauthorization Act of 1989
24 (Public Law 101–147; 103 Stat. 895)) and paragraphs
25 (4) and (5) as paragraphs (4), (5), and (6), respectively.

1 (d) COORDINATION OF WIC AND MEDICAID PRO-
2 GRAMS USING MANAGED CARE PROVIDERS.—Section
3 17(f)(1)(C)(iii) is amended by inserting before the semi-
4 colon at the end the following: “, including medicaid pro-
5 grams that use managed care providers under section
6 1903(m) or 1915(b) of the Social Security Act (42 U.S.C.
7 1396b(m) or 1396n(b)) (including coordination through
8 the referral of potentially eligible women, infants, and chil-
9 dren between the program authorized under this section
10 and the medicaid program)”.

11 (e) PRIORITY CONSIDERATION FOR CERTAIN MI-
12 GRANT POPULATIONS.—The first sentence of section
13 17(f)(3) of such Act (42 U.S.C. 1786(f)(3)) is amended
14 by inserting before the period at the end the following:
15 “and shall ensure that local programs provide priority con-
16 sideration to serving migrant participants who are resid-
17 ing in the State for a limited period of time”.

18 (f) INCOME ELIGIBILITY GUIDELINES.—Paragraph
19 (18) of section 17(f) of such Act (42 U.S.C. 1786(f)(18))
20 is amended to read as follows:

21 “(18) Not later than July 1 of each year, a State
22 agency may implement income eligibility guidelines under
23 this section concurrently with the implementation of in-
24 come eligibility guidelines under the medicaid program es-

1 tablished under title XIX of the Social Security Act (42
2 U.S.C. 1396 et seq.).”.

3 (g) USE OF RECOVERED PROGRAM FUNDS IN YEAR
4 COLLECTED.—Section 17(f) of such Act (42 U.S.C.
5 1786(f)) is amended by adding at the end the following
6 new paragraph:

7 “(23) A State agency may use funds recovered as a
8 result of violations in the food delivery system of the pro-
9 gram in the year in which the funds are collected for the
10 purpose of carrying out the program.”.

11 (h) EXTENSION OF PROGRAM.—Section 17 of such
12 Act (42 U.S.C. 1786) is amended—

13 (1) in the first sentence of subsection (g)(1), by
14 striking “1991, 1992, 1993, and 1994” and insert-
15 ing “1991 through 1998”; and

16 (2) in the first sentence of subsection (h)(2)(A),
17 by striking “1990, 1991, 1992, 1993 and 1994” and
18 inserting “1990 through 1998”.

19 (i) USE OF FUNDS FOR TECHNICAL ASSISTANCE AND
20 RESEARCH EVALUATION PROJECTS.—Section 17(g)(5) of
21 such Act (42 U.S.C. 1786(g)(5)) is amended—

22 (1) by striking “and administration of pilot
23 projects” and inserting “administration of pilot
24 projects”;

1 (2) by inserting before the period at the end the
 2 following: “, and carrying out technical assistance
 3 and research evaluation projects of the programs es-
 4 tablished under this section”; and

5 (3) by adding at the end the following new sen-
 6 tence: “The Secretary may allow the interagency
 7 transfer of funds made available to carry out this
 8 paragraph to Federal and other agencies to carry
 9 out projects and initiatives that are consistent with
 10 program goals.”.

11 (j) BREASTFEEDING PROMOTION AND SUPPORT AC-
 12 TIVITIES.—

13 (1) IN GENERAL.—Section 17(h)(3) of such Act
 14 (42 U.S.C. 1786(h)(3)) is amended—

15 (A) in subparagraph (A)(i)(II), by striking
 16 “\$8,000,000,” and inserting “the national mini-
 17 mum breastfeeding promotion expenditure, as
 18 described in subparagraph (E),”; and

19 (B) by adding at the end the following new
 20 subparagraph:

21 “(E) The national minimum breastfeeding promotion
 22 expenditure shall be—

23 “(i) with respect to fiscal year 1995, the
 24 amount that is equal to \$21 multiplied by the num-
 25 ber of pregnant women and breastfeeding women

1 participating in the program, based on the average
 2 number of pregnant women and breastfeeding
 3 women during the last 3 months for which the Sec-
 4 retary has final data; and

5 “(ii) with respect to each of fiscal years 1996
 6 through 1998, the amount described in clause (i) ad-
 7 justed for inflation in accordance with paragraph
 8 (1)(B)(ii).”.

9 (2) IMPLEMENTATION.—The Secretary of Agri-
 10 culture may permit a State agency a period of not
 11 more than 2 years after the effective date of this
 12 subsection to comply with the expenditure required
 13 by reason of the amendments made by paragraph
 14 (1).

15 (k) 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) by striking “and” at the end of subpara-
 19 graph (C);

20 (2) by striking the period at the end of sub-
 21 paragraph (D) and inserting “; and”; and

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

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

1 ments for the collection of data regarding the inci-
 2 dence and duration of breastfeeding among partici-
 3 pants in the program; and

4 “(ii) effective beginning on the date of the es-
 5 tablishment of the uniform requirements, require
 6 each State agency to report the data for inclusion in
 7 the report to Congress described in subsection
 8 (d)(4).”.

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

14 (m) COST CONTAINMENT.—

15 (1) IN GENERAL.—Section 17(h)(8)(G) (42
 16 U.S.C. 1786(h)(8)(G)) is amended—

17 (A) in clause (i)—

18 (i) in the first sentence, by striking
 19 “The” and inserting “During each of fiscal
 20 years 1995 and 1996, the”; and

21 (ii) by striking the second sentence
 22 and inserting the following new sentence:
 23 “If an offer made under the preceding sen-
 24 tence results in the implementation of con-
 25 tracts by 2 or more State agencies, the

1 Secretary shall also make offers in accord-
2 ance with the preceding sentence during
3 each of fiscal years 1997 and 1998.”;

4 (B) in clause (viii), by inserting after the
5 first sentence the following new sentence: “In
6 conducting an offer under this clause, the Sec-
7 retary shall attempt to develop and use procure-
8 ment procedures that are likely to be broadly
9 acceptable among State agencies.”; and

10 (C) by adding at the end the following new
11 clause:

12 “(ix) If an offer made under clause (i) results in the
13 implementation of contracts by 2 or more State agencies,
14 the Secretary shall promptly offer to solicit bids on behalf
15 of State agencies regarding cost containment contracts to
16 be entered into by infant cereal or infant juice manufac-
17 turers, or both, and State agencies. In carrying out this
18 clause, the Secretary shall, to the maximum extent fea-
19 sible, follow the procedures prescribed in this subpara-
20 graph regarding offers made by the Secretary with regard
21 to soliciting bids regarding infant formula cost contain-
22 ment contracts. If the offer of the Secretary to solicit bids
23 regarding cost containment contracts for infant cereal or
24 infant juice, or both, results in the implementation of con-

1 tracts by 2 or more State agencies, the Secretary shall
2 renew the offer at appropriate intervals.”.

3 (2) REPEAL OF TERMINATION OF AUTHOR-
4 ITY.—Section 209 of the WIC Infant Formula Pro-
5 curement Act of 1992 (Public Law 102–512; 42
6 U.S.C. 1786 note) is repealed.

7 (n) PROHIBITION ON INTEREST LIABILITY TO FED-
8 ERAL GOVERNMENT ON REBATE FUNDS.—Section
9 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) is amended
10 by adding at the end the following new subparagraph:

11 “(L) A State shall not incur an interest liability to
12 the Federal Government on rebate funds for infant for-
13 mula and other foods if all interest earned by the State
14 on the funds is used to carry out the program.”.

15 (o) USE OF UNIVERSAL PRODUCT CODES.—Section
16 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) (as amended
17 by subsection (n)) is further amended by adding at the
18 end the following new subparagraph:

19 “(M)(i) The Secretary shall establish pilot projects
20 to determine the feasibility and cost of requiring States
21 to carry out a system for using universal product codes
22 to assist retail food stores that are vendors under the pro-
23 gram in providing the type of infant formula that the par-
24 ticipants in the program are authorized to obtain. In car-
25 rying out the projects, the Secretary shall determine

1 whether the system reduces the incidence of incorrect re-
2 demptions of low-iron formula or brands of infant formula
3 not authorized to be redeemed through the program, or
4 both.

5 “(ii) If the Secretary determines that the system is
6 feasible, cost-effective, and reduces the incidence of incor-
7 rect redemptions described in clause (i), the Secretary
8 shall establish such procedures as the Secretary deter-
9 mines appropriate to require States to carry out the sys-
10 tem.

11 “(iii) The system shall not require a vendor under
12 the program to obtain special equipment and shall not be
13 applicable to a vendor that does not have equipment that
14 can use universal product codes.”.

15 (p) USE OF UNSPENT NUTRITION SERVICES AND
16 ADMINISTRATION FUNDS.—Section 17(h) of such Act (42
17 U.S.C. 1786(h)) is amended by adding at the end the fol-
18 lowing new paragraph:

19 “(10)(A) For each of fiscal years 1995 through 1998,
20 the Secretary shall use, for the purposes specified in sub-
21 paragraph (B), the lesser of \$10,000,000 or the amount
22 of unspent funds for nutrition services and administration
23 from the previous fiscal year.

24 “(B) Funds under subparagraph (A) shall be used
25 for—

1 “(i) the development of infrastructure for the
2 program under this section, including management
3 information systems;

4 “(ii) special State projects of regional or na-
5 tional significance directed toward improving the
6 services of the program under this section; and

7 “(iii) special breastfeeding support and pro-
8 motion projects, including projects to assess the ef-
9 fectiveness of particular breastfeeding promotion
10 strategies and to develop State or local agency ca-
11 pacity or facilities to provide quality breastfeeding
12 services.”.

13 (q) SPENDBACK FUNDS.—Section 17(i)(3) of such
14 Act (42 U.S.C. 1786(i)(3)) is amended—

15 (1) in subparagraph (A)(i), by inserting “(ex-
16 cept as provided in subparagraph (H))” after “1
17 percent”; and

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

20 “(H) The Secretary may authorize a State agency to
21 expend not more than 3 percent of the amount of funds
22 allocated to a State under this section for supplemental
23 foods for a fiscal year for expenses incurred under this
24 section for supplemental foods during the preceding fiscal
25 year, if the Secretary determines that there has been a

1 significant reduction in rebates provided to the State agen-
2 cy that would affect the ability of the State agency to at
3 least maintain the level of participation by eligible partici-
4 pants served by the State agency.”.

5 (r) ELIMINATION OF DUPLICATIVE MIGRANT RE-
6 PORTS.—Section 17 of such Act (42 U.S.C. 1786) is
7 amended—

8 (1) in subsection (d)(4), by inserting after
9 “Congress” the following: “and the National Advi-
10 sory Council on Maternal, Infant, and Fetal Nutri-
11 tion established under subsection (k)”;

12 (2) by striking subsection (j).

13 (s) INITIATIVE TO PROVIDE PROGRAM SERVICES AT
14 COMMUNITY AND MIGRANT HEALTH CENTERS.—Section
15 17 of such Act (42 U.S.C. 1786) (as amended by sub-
16 section (r)(2)) is further amended by inserting after sub-
17 section (i) the following new subsection:

18 “(j)(1) The Secretary and the Secretary of Health
19 and Human Services (referred to in this subsection as the
20 ‘Secretaries’) shall jointly establish and carry out an ini-
21 tiative for the purpose of providing both supplemental
22 foods and nutrition education under the special supple-
23 mental nutrition program and health care services to low-
24 income pregnant, postpartum, and breastfeeding women,
25 infants, and children at substantially more community

1 health centers and migrant health centers than are served
2 on the date of enactment of the Better Nutrition and
3 Health for Children Act of 1994.

4 “(2) The initiative shall also include—

5 “(A) activities to improve the coordination of
6 the provision of supplemental foods and nutrition
7 education under the special supplemental nutrition
8 program and health care services at facilities funded
9 by the Indian Health Service; and

10 “(B) the development and implementation of
11 strategies to ensure that, to the maximum extent
12 feasible, new community health centers, migrant
13 health centers, and other federally supported health
14 care facilities established in medically underserved
15 areas provide supplemental foods and nutrition edu-
16 cation under the special supplemental nutrition pro-
17 gram.

18 “(3) The initiative may include—

19 “(A) outreach and technical assistance for State
20 and local agencies and the health centers referred to
21 in subparagraphs (A) and (B) of paragraph (2);

22 “(B) demonstration projects in selected States
23 or local areas; and

24 “(C) such other activities as the Secretaries
25 consider appropriate.

1 “(4) As used in this subsection:

2 “(A) The term ‘community health center’ has
3 the meaning provided in section 330(a) of the Public
4 Health Service Act (42 U.S.C. 254c(a)).

5 “(B) The term ‘migrant health center’ has the
6 meaning provided in section 329(a)(1) of such Act
7 (42 U.S.C. 254b(a)(1)).”.

8 (t) FARMERS’ MARKET NUTRITION PROGRAM.—

9 (1) MATCHING REQUIREMENT FOR INDIAN
10 STATE AGENCIES.—Section 17(m)(3) of such Act
11 (42 U.S.C. 1786(m)(3)) is amended by adding at
12 the end the following new sentence: “The Secretary
13 may negotiate with an Indian State agency a lower
14 percentage of matching funds than is required under
15 the preceding sentence, but not lower than 10 per-
16 cent of the total cost of the program, if the Indian
17 State agency demonstrates to the Secretary financial
18 hardship for the affected Indian tribe, band, group,
19 or council.”.

20 (2) EXPANSION.—Section 17(m)(5)(F) of such
21 Act (42 U.S.C. 1786(m)(5)(F)) is amended—

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

24 (B) by striking clause (ii) and inserting the
25 following new clause:

1 “(ii) During any fiscal year for which a State receives
2 assistance under this subsection, the Secretary shall per-
3 mit the State to use up to 1 percent of total program
4 funds for market development or technical assistance to
5 farmers’ markets if the Secretary determines that the
6 State intends to promote the development of farmers’ mar-
7 kets in socially or economically disadvantaged areas, or re-
8 mote rural areas, where individuals eligible for participa-
9 tion in the program have limited access to locally grown
10 fruits and vegetables.”.

11 (3) NOTIFICATION OF AWARD OF FUNDS.—Sec-
12 tion 17(m)(6)(A) of such Act (42 U.S.C.
13 1786(m)(6)(A)) is amended by adding at the end
14 the following new sentence: “The Secretary shall in-
15 form each State of the award of funds as prescribed
16 by subparagraph (G) by February 15 of each year.”.

17 (4) MINIMUM AMOUNT OF GRANTS.—Section
18 17(m)(6)(B)(ii) of such Act (42 U.S.C.
19 1786(m)(6)(B)(ii)) is amended by striking
20 “\$50,000” each place it appears and inserting
21 “\$75,000”.

22 (5) STATE PLAN SUBMISSION DATE.—Section
23 17(m)(6)(D)(i) of such Act (42 U.S.C.
24 1786(m)(6)(D)(i)) is amended by striking “at such
25 time and in such manner as the Secretary may rea-

1 sonably require” and inserting “by November 15 of
2 each year”.

3 (6) MAINTENANCE OF EFFORT.—Section
4 17(m)(6)(F)(iii) of such Act (42 U.S.C.
5 1786(m)(6)(F)(iii)) is amended by striking “reduce
6 in any fiscal year” and inserting “reduce, in the first
7 full fiscal year of the Federal grant,”.

8 (7) ALLOCATION OF ADDITIONAL FUNDS.—Sec-
9 tion 17(m)(6)(G) of such Act (42 U.S.C.
10 1786(m)(6)(G)) is amended—

11 (A) in the first sentence of clause (i), by
12 striking “45 to 55 percent” and inserting “60
13 percent”; and

14 (B) in the first sentence of clause (ii), by
15 striking “45 to 55 percent” and inserting “40
16 percent”.

17 (8) DATA COLLECTION REQUIREMENTS.—Sec-
18 tion 17(m)(8) of such Act (42 U.S.C. 1786(m)(8))
19 is amended by striking subparagraphs (D) and (E)
20 and inserting the following new subparagraphs:

21 “(D) if available, information on the change in
22 consumption of fresh fruits and vegetables by recipi-
23 ents;

24 “(E) if available, information on the effects of
25 the program on farmers’ markets; and”.

1 (9) AUTHORIZATION OF APPROPRIATIONS.—

2 Section 17(m)(10)(A) of such Act (42 U.S.C.
3 1786(m)(10)(A)) is amended by striking “and
4 \$8,000,000 for fiscal year 1994” and inserting
5 “\$8,000,000 for fiscal year 1994, \$10,500,000 for
6 fiscal year 1995, \$12,500,000 for fiscal year 1996,
7 \$15,000,000 for fiscal year 1997, and \$18,000,000
8 for fiscal year 1998”.

9 (10) ELIMINATION OF REALLOCATION OF UN-
10 EXPENDED FUNDS OF DEMONSTRATION
11 PROJECTS.—Section 17(m)(10)(B)(ii) of such Act
12 (42 U.S.C. 1786(m)(10)(B)(ii)) is amended by strik-
13 ing the second sentence.

14 (11) DEFINITION OF STATE AGENCY.—Section
15 17(m)(11)(D) of such Act (42 U.S.C.
16 1786(m)(11)(D)) is amended by inserting before the
17 period at the end the following: “or any other agency
18 approved by the chief executive officer of the State”.

19 (12) PROMOTION BY THE SECRETARY.—The
20 Secretary of Agriculture shall promote the use of
21 farmers’ markets by recipients of Federal nutrition
22 programs administered by the Secretary.

23 (u) CHANGE IN NAME OF PROGRAM.—

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

1 (A) by striking the section heading and in-
2 serting the following new section heading:

3 “SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
4 WOMEN, INFANTS, AND CHILDREN”;

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

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

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

17 (2) CONFORMING AMENDMENTS.—

18 (A) The second sentence of section 9(c) of
19 the Food Stamp Act of 1977 (7 U.S.C.
20 2018(c)) is amended by striking “special sup-
21 plemental food program” and inserting “special
22 supplemental nutrition program”.

23 (B) Section 685(b)(8) of the Individuals
24 with Disabilities Education Act (20 U.S.C.
25 1484a(b)(8)) is amended by striking “Special
26 Supplemental Food Program for Women, In-

1 fants and Children” and inserting “special sup-
2 plemental nutrition program for women, in-
3 fants, and children”.

4 (C) Section 3803(c)(2)(C)(x) of title 31,
5 United States Code, is amended by striking
6 “special supplemental food program” and in-
7 serting “special supplemental nutrition pro-
8 gram”.

9 (D) Section 399(b)(6) of the Public Health
10 Service Act (42 U.S.C. 280c-6(b)(6)) is amend-
11 ed by striking “special supplemental food pro-
12 gram” and inserting “special supplemental nu-
13 trition program”.

14 (E) Paragraphs (11)(C) and (53)(A) of
15 section 1902(a) of the Social Security Act (42
16 U.S.C. 1396a(a)) are each amended by striking
17 “special supplemental food program” and in-
18 serting “special supplemental nutrition pro-
19 gram”.

20 (F) Section 202(b) of the WIC Infant For-
21 mula Procurement Act of 1992 (Public Law
22 102-512; 42 U.S.C. 1786 note) is amended by
23 striking “special supplemental food program”
24 and inserting “special supplemental nutrition
25 program”.

1 (3) REFERENCES.—Any reference to the special
 2 supplemental food program established under section
 3 17 of the Child Nutrition Act of 1966 (42 U.S.C.
 4 1786) in any law, regulation, document, record, or
 5 other paper of the United States shall be considered
 6 to be a reference to the special supplemental nutri-
 7 tion program established under such section.

8 **SEC. 205. NUTRITION EDUCATION AND TRAINING PRO-**
 9 **GRAM.**

10 (a) NAME OF PROGRAM.—Section 19 of the Child
 11 Nutrition Act of 1966 (42 U.S.C. 1788) is amended by
 12 striking “information and education” each place it ap-
 13 pears in subsections (b), (c), (d)(1), and (j)(1) and insert-
 14 ing “education and training”.

15 (b) NUTRITION EDUCATION PROGRAMS.—The sec-
 16 ond sentence of section 19(c) of such Act (42 U.S.C.
 17 1788(c)) is amended—

18 (1) in subparagraph (B), by striking “school
 19 food service” and inserting “child nutrition pro-
 20 gram”;

21 (2) by striking “and” at the end of subpara-
 22 graph (C); and

23 (3) by inserting before the period at the end the
 24 following: “; and (E) providing information to par-
 25 ents and caregivers regarding the nutritional value

1 of food and the relationship between food and
2 health”.

3 (c) NUTRITION EDUCATION AND TRAINING.—Section
4 19(d) of such Act (42 U.S.C. 1788(d)) is amended—

5 (1) in paragraph (1)(C), by inserting before the
6 period at the end the following: “, and the provision
7 of nutrition education to parents and caregivers”;

8 (2) in the first sentence of paragraph (4), by
9 striking “educational and school food service person-
10 nel” and inserting “educational, school food service,
11 child care, and summer food service personnel”; and

12 (3) in the first sentence of paragraph (5), by
13 inserting after “schools” the following: “, and in
14 child care institutions and summer food service insti-
15 tutions,”.

16 (d) USE OF FUNDS.—Section 19(f) of such Act (42
17 U.S.C. 1788(f)) is amended—

18 (1) by striking paragraph (1) and inserting the
19 following new paragraph:

20 “(1) The funds made available under this section
21 may, under guidelines established by the Secretary, be
22 used by a State educational agency for—

23 “(A) employing a nutrition education specialist
24 to coordinate the program, including travel and re-
25 lated personnel costs;

1 “(B) undertaking an assessment of the nutri-
2 tion education needs of the State;

3 “(C) developing and carrying out a State plan
4 of operation and management for nutrition edu-
5 cation;

6 “(D) coordinating and promoting nutrition edu-
7 cation and training activities in local school districts
8 (incorporating, to the maximum extent practicable,
9 as a learning laboratory, the child nutrition pro-
10 grams);

11 “(E) contracting with public and private non-
12 profit educational institutions for the conduct of nu-
13 trition education instruction and programs relating
14 to the purpose of this section;

15 “(F) providing funding for a nutrition compo-
16 nent in the health education curriculum offered to
17 children in kindergarten through grade 12;

18 “(G) instructing teachers, school administra-
19 tors, or other school staff on how to promote better
20 nutritional health and to motivate children to prac-
21 tice sound eating habits;

22 “(H) increasing public awareness of the impor-
23 tance of breakfasts for providing the energy nec-
24 essary for the cognitive development of school-age
25 children;

1 “(I) developing means of providing nutrition
2 education to children, and families of children,
3 through after-school programs;

4 “(J) creating instructional programming for
5 teachers, food service personnel, and parents on the
6 relationships between nutrition and health and the
7 importance of the Food Guide Pyramid established
8 by the Secretary;

9 “(K) encouraging public service advertisements
10 to promote healthy eating habits for children;

11 “(L) achieving related nutrition education pur-
12 poses, including the preparation, testing, distribu-
13 tion, and evaluation of visual aids and other infor-
14 mational and educational materials; and

15 “(M) coordinating and promoting nutrition edu-
16 cation and training activities carried out under child
17 nutrition programs, including the summer food serv-
18 ice program for children established under section
19 13 of the National School Lunch Act (42 U.S.C.
20 1761) and the child and adult care food program es-
21 tablished under section 17 of such Act (42 U.S.C.
22 1766).”; and

23 (2) by striking paragraph (3) and inserting the
24 following new paragraph:

1 “(3) A State agency may use an amount equal to not
2 more than 15 percent of the funds made available through
3 a grant under this section for expenditures for overall ad-
4 ministrative and supervisory or program purposes in con-
5 nection with the program authorized under this section if
6 the State makes available at least an equal amount for
7 the expenditures.”.

8 (e) STATE COORDINATORS FOR NUTRITION; STATE
9 PLAN.—Section 19(h) of such Act (42 U.S.C. 1788(h))
10 is amended—

11 (1) in the first sentence of paragraph (2), by
12 inserting “and training” after “education”; and

13 (2) in the third sentence of paragraph (3)—

14 (A) by striking “and” at the end of sub-
15 paragraph (D); and

16 (B) by inserting before the period at the
17 end the following: “; and (F) a comprehensive
18 plan for providing nutrition education during
19 the first fiscal year beginning after the submis-
20 sion of the plan and the succeeding 4 fiscal
21 years”.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
23 19(i)(2)(A) of such Act (42 U.S.C. 1788(i)(2)(A)) is
24 amended by striking “nutrition education and information
25 programs” and all that follows through the period at the

1 end and inserting “nutrition education and training pro-
 2 grams \$10,000,000 for fiscal year 1995 and each subse-
 3 quent fiscal year.”.

4 (g) AVAILABILITY OF FUNDS.—Section 19(i) of such
 5 Act (42 U.S.C. 1788(i)) is amended—

6 (1) by redesignating paragraph (3) as para-
 7 graph (4); and

8 (2) by inserting after paragraph (2) the follow-
 9 ing new paragraph:

10 “(3) Funds made available to any State under this
 11 section shall remain available to the State for obligation
 12 in the fiscal year succeeding the fiscal year in which the
 13 funds were received by the State.”.

14 **TITLE III—OTHER RELATED** 15 **PROVISIONS**

16 **SEC. 301. DISTRIBUTION OF COMMODITIES ON CERTAIN IN-** 17 **DIAN RESERVATIONS.**

18 Section 3(j) of the Food Stamp Act of 1977 (7 U.S.C.
 19 2012(j)) is amended by adding at the end the following
 20 new sentence: “For the purpose of the distribution of com-
 21 modities under section 4(b), the term ‘reservation’ in-
 22 cludes the geographically defined area or areas (including
 23 an urban area or areas) within the boundaries of former
 24 reservations in Oklahoma, as defined by the Secretary of

1 the Interior, over which a tribal organization exercises
2 governmental jurisdiction.”.

3 **TITLE IV—EFFECTIVE DATES**

4 **SEC. 401. EFFECTIVE DATES.**

5 Except as otherwise provided in this Act, this Act and
6 the amendments made by this Act shall become effective
7 on October 1, 1994.

 Passed the Senate August 25 (legislative day, August 18), 1994.

 Attest:

Secretary.

S 1614 ES—2

S 1614 ES—3

S 1614 ES—4

S 1614 ES—5

S 1614 ES—6

S 1614 ES—7

S 1614 ES—8

S 1614 ES—9

S 1614 ES—10