

**Union Calendar No. 310**

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 8**

**[Report No. 103-535, Parts I and II]**

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**A BILL**

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

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JUNE 24, 1994

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. KILDEE (for himself, Mr. FORD of Michigan, and Mr. GOODLING) introduced the following bill; which was referred to the Committee on Education and Labor

MARCH 8, 1994

Additional sponsors: Mr. WHEAT, Mrs. BYRNE, Mr. FRANK of Massachusetts, Mr. POMEROY, Mr. KLUG, Mr. HUGHES, Ms. WOOLSEY, Mr. TOWNS, Mr. JOHNSON of South Dakota, Mrs. MALONEY, Mr. BECERRA, Mr. ACKERMAN, Ms. DANNER, Mr. CLAY, Mr. KLINK, Mrs. UNSOELD, Mr. GUTIERREZ, Mr. SCOTT, Mr. LEHMAN, Mr. MARTINEZ, Mr. MAZZOLI, Mr. GLICKMAN, Mr. PAYNE of New Jersey, Mr. FOGLIETTA, Mr. GENE GREEN of Texas, Mrs. MEEK, Mr. HINCHEY, Mr. PETERSON of Minnesota, Mr. BLACKWELL, Mr. RUSH, Mr. ROMERO-BARCELÓ, Mr. PASTOR, Mr. JEFFERSON, Mr. FROST, Ms. MCKINNEY, Mr. EMERSON, Mr. KOPETSKI, Mr. HASTINGS, Mr. STRICKLAND, Mr. FISH, Mr. ENGEL, Mrs. MEYERS of Kansas, Mr. NADLER, Ms. NORTON, Mr. MCCRERY, Mr. SHAYS, Mr. BISHOP, and Mr. EVANS

JUNE 3, 1994

Reported with an amendment, referred to the Committee on Agriculture for a period ending not later than June 24, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X

[Strike out all after the enacting clause and insert the part printed in italic]

JUNE 24, 1994

Additional sponsors: Mr. MILLER of California, Mr. MINGE, Mr. MCDADE, Mr. OWENS, Mr. SAWYER, Mrs. MINK, Mr. UNDERWOOD, Mr. WILLIAMS, Mr. ANDREWS of New Jersey, Ms. ENGLISH of Arizona, Mr. CASTLE, Mr. CUNNINGHAM, Ms. MOLINARI, Mr. FALEOMAVAEGA, Mr. REED, and Mr. MURPHY

JUNE 24, 1994

Reported from the Committee on Agriculture with amendments, committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Omit the part struck through in italic and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on January 5, 1993]

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## A BILL

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

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

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

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

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. Findings.*

*Sec. 3. Sense of the Congress.*

## TITLE I—AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

**Sec. 101. Requirement of minimum percentage of commodity assistance under National School Lunch Act.**

- ~~Sec. 101.~~ **102.** *Technical assistance to ensure compliance with nutritional requirements under the school lunch program, the summer food service program for children, and the child and adult care food program.*
- ~~Sec. 102.~~ **103.** *Nutritional and other program requirements.*
- ~~Sec. 103.~~ **104.** *Special assistance for schools electing to serve all children free lunches or breakfasts.*
- ~~Sec. 104.~~ **105.** *Establishment of universal school lunch and breakfast pilot program.*
- ~~Sec. 105.~~ **106.** *Miscellaneous provisions and definitions.*
- ~~Sec. 106.~~ **107.** *Summer food service program for children.*
- ~~Sec. 107.~~ **108.** *Commodity distribution program.*
- ~~Sec. 108.~~ **109.** *Child and adult care food program.*
- ~~Sec. 109.~~ **110.** *Homeless children nutrition program.*
- ~~Sec. 110.~~ **111.** *Pilot projects.*
- ~~Sec. 111.~~ **112.** *Reduction of paperwork.*
- ~~Sec. 112.~~ **113.** *Extension of Food Service Management Institute.*
- ~~Sec. 113.~~ **114.** *Duties of the Secretary of Agriculture relating to nonprocurement debarment under certain child nutrition programs.*

## TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

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

## TITLE III—MISCELLANEOUS PROVISIONS

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

**1 SEC. 2. FINDINGS.**

2       *The Congress finds that—*

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

1           (2) *the longer a child's nutritional, emotional,*  
2           *and educational needs go unmet, the greater the likeli-*  
3           *hood of cognitive impairment;*

4           (3) *low-income children who attend school hun-*  
5           *gry score significantly lower on standardized tests*  
6           *than non-hungry low-income children; and*

7           (4) *supplemental nutrition programs under the*  
8           *National School Lunch Act (42 U.S.C. 1751 et seq.)*  
9           *and the Child Nutrition Act of 1966 (42 U.S.C. 1771*  
10          *et seq.) can help to offset threats posed to a child's ca-*  
11          *capacity to learn and perform in school which results*  
12          *from inadequate nutrient intake.*

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

14       *It is the sense of the Congress that—*

15           (1) *funds should be made available for child nu-*  
16           *trition programs to remove barriers to the participa-*  
17           *tion of needy children in the school lunch program,*  
18           *school breakfast program, summer food service pro-*  
19           *gram for children, and the child and adult care food*  
20           *program under the National School Lunch Act (42*  
21           *U.S.C. 1751 et seq.) and the Child Nutrition Act of*  
22           *1966 (42 U.S.C. 1771 et seq.);*

23           (2) *the Secretary of Agriculture should take ac-*  
24           *tions to further strengthen the efficiency of child nu-*  
25           *trition programs by streamlining administrative re-*

1        *quirements to reduce the administrative burden on*  
2        *participating schools and other meal providers; and*  
3                *(3) as a part of efforts to continue to serve nutri-*  
4        *tious meals to youths in the United States and to*  
5        *educate the general public regarding health and nu-*  
6        *trition issues, the Secretary of Agriculture should take*  
7        *actions to coordinate the nutrition education efforts of*  
8        *all nutrition programs.*

9                ***TITLE I—AMENDMENTS TO***  
10        ***NATIONAL SCHOOL LUNCH ACT***

11        **SEC. 101. REQUIREMENT OF MINIMUM PERCENTAGE OF**  
12                **COMMODITY ASSISTANCE UNDER NATIONAL**  
13                **SCHOOL LUNCH ACT.**

14        **Section 6 of the National School Lunch**  
15        **Act (42 U.S.C. 1755) is amended by adding at**  
16        **the end the following new subsection:**

17                **“(g) The Secretary shall ensure that not**  
18        **less than 12 percent of the assistance pro-**  
19        **vided under section 4, this section, and sec-**  
20        **tion 11 of this Act shall be in the form of com-**  
21        **modities provided under this section.”.**

1 **SEC. 101. 102. TECHNICAL ASSISTANCE TO ENSURE COMPLI-**  
2 **ANCE WITH NUTRITIONAL REQUIREMENTS**  
3 **UNDER THE SCHOOL LUNCH PROGRAM, THE**  
4 **SUMMER FOOD SERVICE PROGRAM FOR CHIL-**  
5 **DREN, AND THE CHILD AND ADULT CARE**  
6 **FOOD PROGRAM.**

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

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

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

14 “(B) The Secretary shall provide technical assistance  
15 to those schools participating in the school lunch program  
16 under this Act to assist such schools in complying with the  
17 nutritional requirements prescribed by the Secretary pursu-  
18 ant to subparagraph (A). The Secretary shall provide addi-  
19 tional technical assistance to those schools that are having  
20 difficulty maintaining compliance with such require-  
21 ments.”.

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

25 (1) by adding after the first sentence the follow-  
26 ing new sentences: “The Secretary shall provide tech-

1        *nical assistance to service institutions and private*  
2        *nonprofit organizations participating in the program*  
3        *to assist such institutions and organizations in com-*  
4        *plying with the nutritional requirements prescribed*  
5        *by the Secretary pursuant to this subparagraph. The*  
6        *Secretary shall provide additional technical assist-*  
7        *ance to those service institutions and private non-*  
8        *profit organizations that are having difficulty main-*  
9        *taining compliance with such requirements.”; and*

10            *(2) in the fourth sentence (as amended by para-*  
11            *graph (1)), by striking “Such meals” and inserting*  
12            *“Meals described in the first sentence”.*

13            *(c) CHILD AND ADULT CARE FOOD PROGRAM.—Sec-*  
14            *tion 17(g)(1) of such Act (42 U.S.C. 1766(g)(1)) is amend-*  
15            *ed—*

16            *(1) by striking “(1) Meals served by institutions”*  
17            *and inserting “(1)(A) Meals served by institutions”;*  
18            *and*

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

21            *“(B) The Secretary shall provide technical assistance*  
22            *to those institutions participating in the program under*  
23            *this section to assist such institutions and family or group*  
24            *day care home sponsoring organizations in complying with*  
25            *the nutritional requirements prescribed by the Secretary*

1 *pursuant to subparagraph (A). The Secretary shall provide*  
2 *additional technical assistance to those institutions and*  
3 *family or group day care home sponsoring organizations*  
4 *that are having difficulty maintaining compliance with*  
5 *such requirements.”.*

6 **SEC. ~~102.~~ 103. NUTRITIONAL AND OTHER PROGRAM RE-**  
7 **QUIREMENTS.**

8 *(a) MINIMUM NUTRITIONAL REQUIREMENTS BASED*  
9 *ON WEEKLY AVERAGE OF NUTRIENT CONTENT OF SCHOOL*  
10 *LUNCHES.—Section 9(a)(1)(A) of the National School*  
11 *Lunch (42 U.S.C. 1758(a)(1)(A)) (as amended by section*  
12 *101(a)) is further amended—*

13 *(1) by striking “; except that such minimum nu-*  
14 *tritional requirements” and inserting “, except that—*

15 *“(i) such minimum nutritional requirements”;*

16 *(2) by striking the period at the end and insert-*  
17 *ing “; and”;* and

18 *(3) by adding at the end the following new*  
19 *clause:*

20 *“(ii) such minimum nutritional requirements*  
21 *shall, at a minimum, be based on the weekly average*  
22 *of the nutrient content of school lunches.”.*

23 *(b) NUTRITIONAL REQUIREMENTS RELATING TO PRO-*  
24 *VISION OF MILK.—Section 9(a)(2) of such Act (42 U.S.C.*  
25 *1758(a)(2)) is amended to read as follows:*

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

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

4               “(B) shall offer students a variety of fluid milk  
5 consistent with prior year demonstrated preferences  
6 unless the prior year preference for any such variety  
7 of fluid milk is less than 1 percent of the total milk  
8 consumed at the school.”.

9       (c) INCREASED FLEXIBILITY RELATING TO USE OF IN-  
10 FORMATION SUBMITTED TO DETERMINE ELIGIBILITY  
11 UNDER PROGRAMS UNDER NATIONAL SCHOOL LUNCH ACT  
12 AND CHILD NUTRITION ACT OF 1966.—Section 9(b)(5) of  
13 such Act (42 U.S.C. 1758(b)(5)) is amended by adding at  
14 the end the following new sentences: “Except as provided  
15 in the next sentence, a local agency responsible for admin-  
16 istering programs under this Act or the Child Nutrition Act  
17 of 1966 (42 U.S.C. 1771 et seq.) shall use information sub-  
18 mitted for the purpose of receiving benefits under such pro-  
19 grams only for the purpose of determining eligibility for  
20 such benefits. Such local agency may use such eligibility  
21 determination to demonstrate the eligibility for benefits  
22 under other Federal, State, or local means-tested nutrition  
23 programs with comparable eligibility standards.”.

24       (d) AUTOMATIC ELIGIBILITY OF HEAD START PAR-  
25 TICIPANTS.—

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

3           (A) *in section 9(b)(6)(A) (42 U.S.C.*  
4 *1758(b)(6)(A))—*

5           (i) *in the matter preceding clause (i),*  
6 *by striking “a member of”;*

7           (ii) *in clause (i)—*

8           (I) *by inserting “a member of”*  
9 *after “(i)”;* and

10           (II) *by striking “or” at the end of*  
11 *the clause;*

12           (iii) *in clause (ii)—*

13           (I) *by inserting “a member of”*  
14 *after “(ii)”;* and

15           (II) *by striking the period at the*  
16 *end of the clause and inserting “; or”;*  
17 *and*

18           (iv) *by adding at the end the following*  
19 *new clause:*

20           “(iii) *enrolled as a participant in a Head Start*  
21 *program authorized under the Head Start Act (42*  
22 *U.S.C. 9831 et seq.), on the basis of a determination*  
23 *that the child is a member of a family that meets the*  
24 *low-income criteria prescribed under section*

1       645(a)(1)(A) of the Head Start Act (42 U.S.C.  
2       9840(a)(1)(A)).”;

3               (B) in section 9(b)(6)(B) (42 U.S.C.  
4       1758(b)(6)(B)), by striking “food stamps or aid  
5       to families with dependent children” and insert-  
6       ing “food stamps, aid to families with dependent  
7       children, or enrollment or participation in the  
8       Head Start program on the basis described in  
9       subparagraph (A)(iii)”;

10              (C) in section 17(c) (42 U.S.C. 1766(c)), by  
11       adding at the end the following new paragraph:

12       “(5) A child shall be considered automatically eligible  
13       for benefits under this section without further application  
14       or eligibility determination, if the child is enrolled as a par-  
15       ticipant in a Head Start program authorized under the  
16       Head Start Act (42 U.S.C. 9831 et seq.), on the basis of  
17       a determination that the child is a member of a family that  
18       meets the low-income criteria prescribed under section  
19       645(a)(1)(A) of the Head Start Act (42 U.S.C.  
20       9840(a)(1)(A)).”.

21              (2) *EFFECTIVE DATE.*—The amendments made  
22       by paragraph (1) shall take effect on October 1, 1995.

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

1       “(f)(1) *The Secretary shall clarify that the primary*  
2 *need for documentation of production plans is to serve as*  
3 *a basis for ensuring that the meals under the school lunch*  
4 *program meet the nutrient needs of the children to be served*  
5 *under such program. The State shall determine whether ex-*  
6 *isting records are adequate to ensure that the objective of*  
7 *the preceding sentence is met.*

8       “(2) *The Secretary shall clarify the need for internal*  
9 *controls in developing a claim for reimbursement under the*  
10 *school lunch program.*”

11       ~~(f) SEAFOOD PRODUCTION REQUIREMENTS.—Section~~  
12 ~~9 of such Act (42 U.S.C. 1758) (as amended by subsection~~  
13 ~~(e)) is further amended by adding at the end the following~~  
14 ~~new subsection:~~

15       ~~“(g)(1) *The Secretary shall ensure that fish and fish*~~  
16 ~~*products purchased by schools participating in the school*~~  
17 ~~*lunch program shall be—*~~

18               ~~“(A) *inspected in compliance with the continu-*~~  
19 ~~*ous official establishment and product inspection of*~~  
20 ~~*the National Marine Fisheries Service; or*~~

21               ~~“(B) *inspected in compliance with the hazard*~~  
22 ~~*analysis critical control point requirements promul-*~~  
23 ~~*gated by the Food and Drug Administration.*~~

24       ~~“(2) *For purposes of this subsection, the term ‘fish and*~~  
25 ~~*fish products’ has the meaning given such term by the Food*~~

1 *and Drug Administration in its proposal of January 28,*  
2 *1994 (59 Fed. Reg. 4195).”.*

3 **SEC. ~~103.~~ 104. SPECIAL ASSISTANCE FOR SCHOOLS ELECT-**  
4 **ING TO SERVE ALL CHILDREN FREE LUNCHES**  
5 **OR BREAKFASTS.**

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

8 *(1) by striking “(a)(1) Except as provided” and*  
9 *inserting “(a)(1)(A) Except as provided”;*

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

12 *“(B) In the case of”;*

13 *(3) in the third sentence—*

14 *(A) by striking “In the case of” and insert-*  
15 *ing—*

16 *“(C)(i) Except as provided in clause (ii), in the case*  
17 *of”;* and

18 *(B) by striking “(A)” and inserting “(I)”*  
19 *and by striking “(B)” and inserting “(II)”;*

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

22 *“(ii)(I)(aa) In the case of any school that, on the date*  
23 *of the enactment of this clause, is serving all children in*  
24 *that school free lunches under the school lunch program in*  
25 *accordance with clause (i), special assistance payments*

1 *shall be paid to the State educational agency with respect*  
2 *to such school for free lunches served to all children in such*  
3 *school during a period of five consecutive years in accord-*  
4 *ance with such clause.*

5       “(bb) Any period of time in the current 3-year period  
6 during which the school served free lunches to all children  
7 in such school in accordance with clause (i) shall count to-  
8 ward the 5-year period described in division (aa).

9       “(cc) The State may grant an extension to such schools  
10 at the end of such 3-year period, only if the State deter-  
11 mines, through available socioeconomic data approved by  
12 the Secretary, that the income level of the population of the  
13 school has remained stable. The State may further use such  
14 data in subsequent 5-year periods to ensure that the income  
15 level of the population of the school has remained stable.

16       “(II) A school described in subclause (I) may reapply  
17 to the State at the end of a 5-year period described in such  
18 subclause for the purpose of continuing to receive special  
19 assistance payments in accordance with such subclause for  
20 additional 5-year periods.”; and

21       (5) by further adding at the end the following  
22 new subparagraph:

23       “(D) In the case of any school that (i) elects to serve  
24 all children in that school free lunches under the school  
25 lunch program during any period of 4 successive years, or

1 *in the case of a school that serves both lunches and break-*  
2 *fasts, elects to serve all children in that school free lunches*  
3 *and free breakfasts under the school lunch program and the*  
4 *school breakfast program during any period of 4 successive*  
5 *years and (ii) pays, from sources other than Federal funds,*  
6 *for the costs of serving such lunches or breakfasts, as the*  
7 *case may be, which are in excess of the value of assistance*  
8 *received under this Act and the Child Nutrition Act of 1966*  
9 *(42 U.S.C. 1771 et seq.) with respect to the number of*  
10 *lunches or breakfasts served during that period, total Fed-*  
11 *eral cash reimbursements and total commodity assistance*  
12 *shall be provided to the State educational agency with re-*  
13 *spect to such school at a level equal to the total Federal*  
14 *cash reimbursements and total commodity assistance re-*  
15 *ceived by the school in the previous year, adjusted annually*  
16 *for changes in inflation in accordance with paragraph*  
17 *(3)(B) and for changes in enrollment, to carry out the pur-*  
18 *poses of the school lunch or school breakfast programs. The*  
19 *State may grant a renewal of the authority under the pre-*  
20 *ceding sentence to such schools at the end of such 4-year*  
21 *period, if the State determines, through available socio-*  
22 *economic data approved by the Secretary, that the income*  
23 *level of the population of the school has remained consistent*  
24 *with the income level of the population of the school in the*

1 year upon which the total Federal reimbursement is  
2 based.”.

3 **SEC. ~~104.~~ 105. ESTABLISHMENT OF UNIVERSAL SCHOOL**  
4 **LUNCH AND BREAKFAST PILOT PROGRAM.**

5 (a) *IN GENERAL.*—The National School Lunch Act (42  
6 U.S.C. 1751 et seq.) is amended by inserting after section  
7 11 the following new section:

8 **“SEC. 11A. UNIVERSAL SCHOOL LUNCH AND BREAKFAST**  
9 **PILOT PROGRAM.**

10 “(a) *IN GENERAL.*—

11 “(1) *ESTABLISHMENT.*—Subject to the availabil-  
12 ity of appropriations to carry out this section, the  
13 Secretary shall establish a universal school lunch and  
14 breakfast pilot program (in this section referred to as  
15 the ‘pilot program’).

16 “(2) *DESCRIPTION.*—The pilot program shall  
17 consist of school lunch and breakfast service offered  
18 without cost to all students in attendance at partici-  
19 pating schools that wish to participate in a manner  
20 consistent with the requirements otherwise applicable  
21 to the school lunch program under this Act and to the  
22 school breakfast program under section 4 of the Child  
23 Nutrition Act of 1966.

1           “(3) *ELIGIBILITY.*—A school shall be eligible to  
2           participate in the pilot program if the school meets  
3           the following requirements:

4                   “(A) At least 30 percent of all students par-  
5                   ticipating in the school lunch program at the  
6                   school are students who qualify for free or re-  
7                   duced price lunches.

8                   “(B) At least 30 percent of all students par-  
9                   ticipating in the school breakfast program at the  
10                  school are students who qualify for free or re-  
11                  duced price breakfasts.

12          “(b) *APPLICATION.*—

13                  “(1) *IN GENERAL.*—A school may participate in  
14                  the pilot program only if such school submits to the  
15                  Secretary an application containing such information  
16                  as the Secretary may reasonably require.

17                  “(2) *CONTENTS.*—Such application shall contain  
18                  a plan describing—

19                          “(A) the additional amount over the most  
20                          recent prior year reimbursement amount received  
21                          under the school lunch program and the school  
22                          breakfast program (adjusted for inflation and  
23                          enrollment) that the school would need from the  
24                          Federal government to provide free lunches and  
25                          breakfasts under the pilot program; and

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

4           “(c) UNIVERSAL PAYMENT RATE.—

5           “(1) IN GENERAL.—Subject to paragraphs (3)  
6           and (4), in lieu of receiving the national average pay-  
7           ment per lunch determined under section 4 and sec-  
8           tion 11, and the national average payment per break-  
9           fast determined under section 4 of the Child Nutrition  
10          Act of 1966, each school participating in the univer-  
11          sal program shall receive the universal payment rates  
12          determined under paragraph (2) for each lunch and  
13          breakfast served under the program.

14          “(2) ESTABLISHMENT.—Subject to paragraph  
15          (3), the Secretary shall establish the universal pay-  
16          ment rates for purposes of this section. Such rates  
17          shall be equal to the national average cost of produc-  
18          ing a school lunch, and the national average cost of  
19          producing a school breakfast, respectively, as deter-  
20          mined by the Secretary. In making the determination  
21          required by the preceding sentence, the Secretary shall  
22          establish a maximum amount that can be charged to  
23          a participating school food service authority for indi-  
24          rect expenses.

1           “(3) *COMMODITIES.*—(A) *Except as provided in*  
2 *subparagraph (B), a school participating in the pilot*  
3 *program shall receive commodities in an amount*  
4 *equal to the amount the school received in the prior*  
5 *year under the school lunch program under this Act*  
6 *and under the school breakfast program under section*  
7 *4 of the Child Nutrition Act of 1966, adjusted for in-*  
8 *flation and fluctuations in enrollment.*

9           “(B) *Commodities required for the pilot program*  
10 *in excess of the amount of commodities received by the*  
11 *school in the prior year under the school lunch pro-*  
12 *gram and the school breakfast program may be fund-*  
13 *ed from amounts appropriated to carry out this sec-*  
14 *tion.*

15           “(4) *ADDITIONAL REQUIREMENTS.*—(A) *Except*  
16 *as provided in subparagraph (B), a school participat-*  
17 *ing in the pilot program shall receive a total Federal*  
18 *reimbursement under the school lunch program and*  
19 *school breakfast program in an amount equal to the*  
20 *Federal reimbursement rate for the school in the prior*  
21 *year under each such program (adjusted for inflation*  
22 *and fluctuations in enrollment).*

23           “(B) *Funds required for the pilot program in ex-*  
24 *cess of the level of reimbursement received by the*  
25 *school in the prior year (adjusted for inflation and*

1       *fluctuations in enrollment) may be taken from any*  
2       *non-Federal source or from amounts appropriated to*  
3       *carry out this section. If funds required in addition*  
4       *to funds under subparagraph (A) are not available*  
5       *from non-Federal sources and no appropriations are*  
6       *made for the pilot program, schools may not partici-*  
7       *pate in the program.*

8       “(d) *COMPETITIVE FOODS POLICY.*—A school partici-  
9       *pating in the pilot program may sell competitive foods*  
10       *under regulations issued by the Secretary.*

11       “(e) *PROHIBITION OF WAIVER TO PROVIDE LUNCH*  
12       *AND BREAKFAST SERVICE WITHOUT COST.*—Notwithstand-  
13       *ing any other provision of law, the Secretary may not*  
14       *waive the requirement that the school will provide lunch*  
15       *and breakfast service without cost to all students at the*  
16       *school under the pilot program.*

17       “(f) *REPORTS.*—

18               “(1) *REPORTS TO THE SECRETARY.*—The Sec-  
19       *retary shall require each school participating in the*  
20       *pilot program to submit to the Secretary a report*  
21       *containing the following information:*

22                       “(A) *A comparison of the participation rate*  
23                       *of all students at the school in the pilot program*  
24                       *to the participation of students under the school*  
25                       *lunch program and the school breakfast program.*

1           “(B) A comparison of the quality of meals  
2 served under the pilot program to the quality of  
3 meals served under the school lunch program and  
4 the school breakfast program.

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

7           “(D) The participation rate in the pilot  
8 program of students who otherwise would be eli-  
9 gible for free and reduced price lunches and  
10 breakfasts under the school lunch program or the  
11 school breakfast program.

12           “(E) A comparison of the amount of admin-  
13 istrative costs under the program with the  
14 amount of administrative costs under the school  
15 lunch and school breakfast programs.

16           “(F) The reduction in paperwork under the  
17 pilot program from the amount of paperwork  
18 under the school lunch and school breakfast pro-  
19 grams at the school.

20           “(2) REPORTS TO THE CONGRESS.—

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

24                   “(i) a compilation of the information  
25 received by the Secretary under paragraph

1           (1) as of this date from each school partici-  
2           pating in the pilot program; and

3                   “(ii) an interim evaluation of the pro-  
4           gram by the Secretary.

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

8                           “(i) a compilation of the information  
9                           received by the Secretary under paragraph  
10                          (1) as of this date from each school partici-  
11                          pating in the pilot program; and

12                                   “(ii) a final evaluation of the program  
13                                   by the Secretary.

14                   “(g) SELECTION REQUIREMENT.—To the extent prac-  
15           ticable, the Secretary shall select schools to participate in  
16           the pilot program in a manner which will provide for an  
17           equitable distribution among the following types of schools:

18                           “(1) Urban and rural schools.

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

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

21                   “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
22           are authorized to be appropriated to carry out this section  
23           \$15,000,000 for each of the fiscal years 1995 through  
24           1998.”.

1           (b) *EFFECTIVE DATE.*—*The Secretary of Agriculture*  
2 *shall issue regulations to carry out section 11A of the Na-*  
3 *tional School Lunch Act (as added by subsection (a) of this*  
4 *section) that provide for the implementation of such section*  
5 *not later than July 1, 1995.*

6 **SEC. 105. 106. MISCELLANEOUS PROVISIONS AND DEFINI-**  
7 **TIONS.**

8           (a) *TECHNICAL AMENDMENT TO DEFINITION OF*  
9 *SCHOOL.*—

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

13                   (A) *in the first sentence—*

14                           (i) *in clause (A), by inserting “and” at*  
15 *the end of such clause;*

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

18                           (iii) *by striking clause (C); and*

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

21           (2) *EFFECTIVE DATE.*—*The amendments made*  
22 *by paragraph (1) shall take effect on October 1, 1995.*

23           (b) *REIMBURSEMENT FOR MEALS, SUPPLEMENTS, AND*  
24 *MILK UNDER CERTAIN PROGRAMS CONTINGENT UPON*  
25 *TIMELY SUBMISSION OF CLAIMS AND FINAL PROGRAM OP-*

1 *ERATIONS REPORT.—Section 12 of such Act (42 U.S.C.*  
2 *1760) is amended by adding at the end the following new*  
3 *subsection:*

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

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

13               “(B) *the final program operations report for*  
14 *such month is submitted to the Secretary not later*  
15 *than 90 days after the last day of such month.*

16       “(2) *The Secretary may waive the requirements con-*  
17 *tained in paragraph (1) at the discretion of the Secretary.”.*

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

24       “(k)(1) *The Secretary is authorized to issue such regu-*  
25 *lations as are necessary to reasonably ensure that there is*

1 *compliance with this Act and the Child Nutrition Act of*  
2 *1966 (42 U.S.C. 1771 et seq.).*

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

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

23       “(C) *After obtaining such advice and recommenda-*  
24 *tions, and prior to publishing proposed regulations, the Sec-*  
25 *retary shall—*

1           “(i) establish a negotiated rulemaking process on  
2 issues, including—

3                 “(I) nutrition requirements and their im-  
4 plementation; and

5                 “(II) program compliance and accountabil-  
6 ity requirements;

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

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

19           “(D) Such process—

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

1           “(ii) shall not be subject to the Federal Advisory  
2           Committee Act but shall otherwise follow the provi-  
3           sions of the Negotiated Rulemaking Act of 1990 (5  
4           U.S.C. 561 et seq.).

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

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

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

1           “(i) the Secretary determines that the waiver of  
2           such requirement would facilitate the ability of the  
3           State or eligible service provider to carry out the pur-  
4           pose of the program;

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

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

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

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

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

23                 “(ii) in the case of a State requesting a waiver,  
24                 describes actions, if any, that the State has under-

1       *taken to remove State statutory or regulatory bar-*  
2       *riers;*

3             “(iii) describes the goal of the waiver to improve  
4       *services under the program and the expected outcomes*  
5       *if the waiver is granted;*

6             “(iv) includes a description of the impediments  
7       *to the efficient operation and administration of the*  
8       *program;*

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

13            “(vi) provides a timetable for implementing the  
14       *waiver; and*

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

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

23            “(3)(A) The Secretary shall act promptly on a waiver  
24       *request contained in an application submitted under para-*  
25       *graph (2) and shall either grant or deny such request. The*

1 *Secretary shall state in writing the reasons for granting*  
2 *or denying such request.*

3       “(B) *If the Secretary grants a waiver request, the Sec-*  
4 *retary shall state in writing the expected outcome of grant-*  
5 *ing such a waiver.*

6       “(C) *The result of the decision of the Secretary shall*  
7 *be disseminated by the State or eligible service provider to*  
8 *interested parties, including educators, parents, students,*  
9 *advocacy and civil rights organizations, other interested*  
10 *parties, and the public.*

11       “(D)(i) *Except as provided in clause (ii), a waiver*  
12 *granted by the Secretary shall be for a period not to exceed*  
13 *three years.*

14       “(ii) *The Secretary may extend such period if the Sec-*  
15 *retary determines that the waiver has been effective in ena-*  
16 *bling the State or eligible service provider to carry out the*  
17 *purposes of the program.*

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

20               “(A) *the nutritional content of meals served;*

21               “(B) *Federal reimbursement rates;*

22               “(C) *the provision of free and reduced price*  
23 *meals;*

24               “(D) *offer versus serve provisions;*

1           “(E) limits on the price charged for a reduced  
2 price meal;

3           “(F) maintenance of effort;

4           “(G) equitable participation of children in pri-  
5 vate schools;

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

8           “(I) prohibiting the disclosure of information re-  
9 lating to students receiving free or reduced price  
10 meals;

11           “(J) prohibiting the operation of a profit pro-  
12 ducing program;

13           “(K) the sale of competitive foods; ~~and~~

14           **“(L) the commodity distribution pro-**  
15 **gram under section 14 of this Act; and**

16           ~~“(L) (M)~~ **(M)** enforcement of any constitutional or  
17 statutory right of an individual, including any right  
18 under—

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

20           “(ii) Section 504 of the Rehabilitation Act  
21 of 1973;

22           “(iii) title IX of the Education Amendments  
23 of 1972;

24           “(iv) the Age Discrimination Act of 1975;

25           and

1                   “(v) *the Americans with Disabilities Act of*  
2                   *1990.*

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

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

16                   “(I) *describes the use of such waiver by the eligi-*  
17 *ble service provider; and*

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

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

24                   “(B) *The Secretary shall annually submit to the Com-*  
25 *mittee on Education and Labor* **and the Committee**

1 **on Agriculture** of the House of Representatives and the  
2 Committee on Agriculture, Nutrition, and Forestry of the  
3 Senate, a report—

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

6 “(ii) describing whether such waivers resulted in  
7 improved services to children;

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

10 “(iv) describing how such waivers reduced the  
11 amount of paperwork necessary to administer the  
12 program.

13 “(7) For purposes of this subsection, the term ‘eligible  
14 service provider’ means—

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

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

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

21 **SEC. 106. 107. SUMMER FOOD SERVICE PROGRAM FOR CHIL-**

22 **DREN.**

23 (a) PRIORITY REQUIREMENTS FOR DETERMINING  
24 PARTICIPATION OF CERTAIN ELIGIBLE SERVICE INSTITU-  
25 TIONS.—Section 13(a)(4) of the National School Lunch Act

1 *(42 U.S.C. 1761(a)(4)) is amended by striking subpara-*  
2 *graphs (A) through (F) and inserting the following new sub-*  
3 *paragraphs:*

4           “(A) *Local schools.*

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

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

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

16       ***(c) ELIMINATION OF WARNING IN PRIVATE NONPROFIT***  
17 ***ORGANIZATION APPLICATION RELATING TO CRIMINAL PRO-***  
18 ***VISIONS AND RELATED MATTERS.—Section 13(q) of such***  
19 ***Act (42 U.S.C. 1761(q)) is amended—***

20           ***(1) by striking paragraph (2);***

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

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

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

4 **SEC. ~~107~~. 108. COMMODITY DISTRIBUTION PROGRAM.**

5       ~~Section 14 of the National School Lunch Act (42 (a)~~

6 **IN GENERAL.—Section 14 of the National**

7 **School Lunch Act (42 U.S.C. 1762a) is amended—**

8           (1) in subsection (a), by striking “1994” and in-  
9 scribing “1998”; and

10          (2) in subsection (b)—

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

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

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

18           “(3) The Secretary shall—

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

22               “(B) otherwise provide nutritional content infor-  
23 mation regarding the commodities provided to the  
24 schools.”.

1       **(b) COMBINATION OF FEDERALLY DONATED**  
2 **AND FEDERALLY INSPECTED MEAT OR POUL-**  
3 **TRY.—Section 14 of such Act (42 U.S.C. 1762a)**  
4 **is amended by adding at the end the following**  
5 **new subsection:**

6       **“(h) No State shall restrict or prohibit a le-**  
7 **gally contracted commercial entity from phys-**  
8 **ically combining federally donated and feder-**  
9 **ally inspected meat or poultry with federally**  
10 **donated and federally inspected meat or poul-**  
11 **try from another State.”.**

12 **SEC. ~~108~~. 109. CHILD AND ADULT CARE FOOD PROGRAM.**

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

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

21             *(1) by striking “(C) Reimbursement for adminis-*  
22 *trative expenses” and inserting “(C)(i) Reimburse-*  
23 *ment for administrative expenses”; and*

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

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

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

10       “(4) The Secretary shall encourage family or group  
11 day care sponsoring organizations to provide information  
12 and training concerning child health and development to  
13 family or group day care homes participating in the pro-  
14 gram under such organizations.”.

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

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

20               (2) in paragraph (5), by striking “1994” and in-  
21 sserting “1998”.

22 **SEC. 109. 110. HOMELESS CHILDREN NUTRITION PROGRAM.**

23       (a) *IN GENERAL.*—The National School Lunch Act (42  
24 U.S.C. 1751 et seq.) is amended by inserting after section  
25 17A the following new section:

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

2 “(a) *IN GENERAL.*—The Secretary shall conduct  
3 projects designed to provide food service throughout the year  
4 to homeless children under the age of 6 in emergency shel-  
5 ters.

6 “(b) *AGREEMENTS TO PARTICIPATE IN PROJECTS.*—

7 “(1) *IN GENERAL.*—The Secretary shall enter  
8 into agreements with State, city, local, or county gov-  
9 ernments, other public entities, or private nonprofit  
10 organizations to participate in the projects under this  
11 section.

12 “(2) *ELIGIBILITY REQUIREMENTS.*—The Sec-  
13 retary shall establish eligibility requirements for the  
14 entities described in paragraph (1) that desire to par-  
15 ticipate in the projects under this section. Such re-  
16 quirements shall include the following:

17 “(A) Each private nonprofit organization  
18 shall operate not more than 5 food service sites  
19 under the project and shall serve not more than  
20 300 homeless children at each such site.

21 “(B) Each site operated by each such orga-  
22 nization shall meet applicable State and local  
23 health, safety, and sanitation standards.

24 “(c) *PROJECT REQUIREMENTS.*—

25 “(1) *IN GENERAL.*—A project conducted under  
26 this subsection shall—

1           “(A) use the same meal patterns and receive  
2 reimbursement payments for meals and supple-  
3 ments at the same rates provided to child care  
4 centers participating in the child care food pro-  
5 gram under section 17 for free meals and supple-  
6 ments; 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 any such project.

11           “(2) MODIFICATION.—The Secretary may modify  
12 the meal pattern requirements to take into account  
13 the needs of infants.

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

18           “(d) NOTICE.—The Secretary shall advise each State  
19 of the availability of the projects established under this sub-  
20 section for States, cities, counties, local governments and  
21 other public entities, and shall advise each State of the pro-  
22 cedures for applying to participate in the project.

23           “(e) REPORT TO CONGRESS.—Not later than 1 year  
24 after the date of the enactment of the Healthy Meals for  
25 Healthy Children Act of 1994, the Secretary shall submit

1 *to the appropriate committees of the Congress a report that*  
2 *includes—*

3           “(1) *an explanation of the actions the Secretary*  
4 *has taken to carry out subsection (d);*

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

8           “(3) *a detailed plan for expanding the projects*  
9 *so that more eligible children may participate in such*  
10 *projects.*

11           “(f) *PLAN TO ALLOW PARTICIPATION IN THE CHILD*  
12 *AND ADULT CARE FOOD PROGRAM.—Not later than Sep-*  
13 *tember 30, 1996, the Secretary shall submit to the appro-*  
14 *priate committees of the Congress a plan describing how*  
15 *emergency shelters and homeless children who have not at-*  
16 *tained the age of 6 and who are served by such shelters*  
17 *under the program might participate in the child and adult*  
18 *care food program authorized under section 17 by Septem-*  
19 *ber 30, 1998.*

20           “(g) *DEFINITIONS.—For purposes of this section, the*  
21 *following definitions apply:*

22           “(1) *APPROPRIATE COMMITTEES OF THE CON-*  
23 *GRESS.—The term ‘appropriate committees of the*  
24 *Congress’ means the Committee on Education and*  
25 *Labor of the House of Representatives and the Com-*

1        *mittee on Agriculture, Nutrition, and Forestry of the*  
2        *Senate.*

3            “(2) *EMERGENCY SHELTER.*—*The term ‘emer-*  
4        *gency shelter’ has the meaning given such term in sec-*  
5        *tion 321(2) of the Stewart B. McKinney Homeless As-*  
6        *sistance Act.*

7            “(h) *FUNDING.*—

8            “(1) *IN GENERAL.*—*In addition to any amounts*  
9        *made available under section 7(a)(5)(B)(i)(I) of the*  
10       *Child Nutrition Act of 1966 (42 U.S.C.*  
11       *1776(a)(5)(B)(i)(I)), the Secretary shall, except as*  
12       *provided in paragraph (2), expend to carry out this*  
13       *section from amounts appropriated for purposes of*  
14       *carrying out this Act \$3,000,000 for fiscal year 1995*  
15       *and each succeeding fiscal year.*

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

20           (b) *CONFORMING AMENDMENTS.*—

21           (1) *NATIONAL SCHOOL LUNCH ACT.*—*Section 18*  
22       *of the National School Lunch Act (42 U.S.C. 1769)*  
23       *is amended—*

24                    (A) *by striking subsection (c); and*

1           (B) by redesignating subsection (d) as sub-  
2           section (c).

3           (2) *CHILD NUTRITION ACT OF 1966*.—Section  
4           7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966  
5           (42 U.S.C. 1776(a)(5)(B)(i)(I)) is amended—

6           (A) by striking “projects under section 18(c)  
7           of the National School Lunch Act (42 U.S.C.  
8           1769(c))” and inserting “projects under section  
9           17B of the National School Lunch Act”; and

10          (B) by striking “1993 and 1994” each place  
11          it appears and inserting “1995 through 1998”.

12   **~~SEC. 110.~~ 111. PILOT PROJECTS.**

13          ~~(a) COMMODITY LETTER OF CREDIT (CLOC) PRO-~~  
14   ~~GRAMS.~~—Section 18(b) of the National School Lunch Act  
15   ~~(42 U.S.C. 1769(b)) is amended—~~

16          ~~(1) in paragraph (1)—~~

17          ~~(A) in the 1st sentence, by striking “; and~~  
18          ~~ending September 30, 1994”; and~~

19          ~~(B) in the 2nd sentence, by striking “under~~  
20          ~~this subsection” and inserting “under this para-~~  
21          ~~graph”; and~~

22          ~~(2) by adding at the end the following new para-~~  
23          ~~graph:~~

24          ~~“(3)(A) The Secretary shall establish and carry out a~~  
25          ~~statewide commodity letter of credit (hereafter in this para-~~

1 *graph referred to as 'CLOC') demonstration program in 1*  
2 *State under which the Secretary provides all school districts*  
3 *in such State commodity letters of credit in lieu of all enti-*  
4 *tlement commodities for the school lunch programs of such*  
5 *school districts.*

6       *“(B) The Secretary may establish and carry out the*  
7 *statewide CLOC demonstration program under this para-*  
8 *graph only in a State in which, on the date of the applica-*  
9 *tion by such State to the Secretary to establish such pro-*  
10 *gram, 80 percent or more of the school districts participat-*  
11 *ing in the school lunch program under this Act have elected*  
12 *to participate in the statewide CLOC demonstration pro-*  
13 *gram.*

14       *“(C) In carrying out the statewide CLOC demonstra-*  
15 *tion program, the Secretary shall provide that—*

16           *“(i) all commodity letters of credit be issued to*  
17 *all school districts in the State in lieu of entitlement*  
18 *commodities for the school lunch program beginning*  
19 *on the first July 1st which occurs after the date of the*  
20 *enactment of this paragraph;*

21           *“(ii) child care agencies and nutrition programs*  
22 *for the elderly in the State shall be allowed to partici-*  
23 *pate in the program; and*

1           “(iii) the State agencies responsible for commod-  
2           ity distribution to child and elderly nutrition pro-  
3           grams shall administer the program.”.

4           (b) PROGRAM TO INCREASE OFFERINGS OF FRESH  
5           FRUITS AND VEGETABLES.—Section 18 of such Act (42  
6           U.S.C. 1769) is amended by adding at the end the following  
7           new subsection:

8           “(d)(1) The Secretary shall establish a program begin-  
9           ning on the first July 1st which occurs after the date of  
10          the enactment of this subsection to assist schools in offering  
11          greater quantities of fresh fruits and vegetables to students  
12          in order to improve the overall nutritional quality of meals  
13          served under the school lunch program established under  
14          this Act.

15          “(2) The Secretary shall establish procedures under  
16          which all schools currently participating in the school lunch  
17          program established under this Act may apply to partici-  
18          pate in the program.

19          “(3)(A) Subject to subparagraph (B), the Secretary  
20          shall, for each fiscal year in which a school participates  
21          in the program, provide commodity letters of credit to such  
22          school in an amount equal to 10 percent of the total com-  
23          modity entitlement of such school under section 6 for each  
24          such fiscal year to be used for the purchase of fresh fruits  
25          and vegetables under the program.

1       “(B) The Secretary shall, for each fiscal year described  
2 in subparagraph (A), reduce the amount of the total com-  
3 modity entitlement of such school under section 6 by the  
4 amount described in such subparagraph.”

5       (c) DEMONSTRATION PROGRAM TO PROVIDE MEALS  
6 AND SUPPLEMENTS OUTSIDE OF SCHOOL HOURS.—Section  
7 18 of such Act (42 U.S.C. 1769) (as amended by subsection  
8 (b)) is further amended by adding at the end the following  
9 new subsection:

10       **Section 18 of the National School Lunch**  
11 **Act (42 U.S.C. 1769) is amended by adding at**  
12 **the end the following new subsection:**

13       “(e)(1)(A) The Secretary shall establish a demonstra-  
14 tion program to provide grants to eligible institutions or  
15 schools to provide meals or supplements to adolescents par-  
16 ticipating in educational, recreational, or other programs  
17 and activities provided outside of school hours.

18       “(B) The amount of a grant under subparagraph (A)  
19 shall be equal to the amount necessary to provide meals or  
20 supplements described in such subparagraph and shall be  
21 determined in accordance with reimbursement payment  
22 rates for meals and supplements under the child and adult  
23 care food program under section 17 of this Act.

24       “(2) The Secretary may not provide a grant under  
25 paragraph (1) to an eligible institution or school unless

1 *such institution or school submits to the Secretary an appli-*  
2 *cation containing such information as the Secretary may*  
3 *reasonably require.*

4       “(3) *The Secretary may not provide a grant under*  
5 *paragraph (1) to an eligible institution or school unless*  
6 *such institution or school agrees that—*

7               “(A) *it will use amounts from such grant to pro-*  
8 *vide meals or supplements under educational, rec-*  
9 *reational, or other programs and activities for adoles-*  
10 *cents outside of school hours, and such programs and*  
11 *activities are carried out in geographic areas in*  
12 *which there are high rates of poverty, violence, or*  
13 *drug and alcohol abuse among school-aged youths;*  
14 *and*

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

18       “(4) *Determinations with regard to eligibility for free*  
19 *and reduced price meals and supplements provided under*  
20 *programs and activities under this subsection shall be made*  
21 *in accordance with the income eligibility guidelines for free*  
22 *and reduced price lunches under section 9 of this Act.*

23       “(5)(A) *Except as provided in subparagraph (B), the*  
24 *Secretary shall expend to carry out this subsection from*  
25 *amounts appropriated for purposes of carrying out section*

1 17 of this Act, \$125,000 in each of the fiscal years 1995  
2 through 1998. In addition to amounts described in the pre-  
3 ceding the sentence, the Secretary shall expend any addi-  
4 tional amounts in any fiscal year as may be provided in  
5 advance in appropriations Acts.

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

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

10 “(A) the term ‘adolescent’ means a child who has  
11 attained the age of 13 but has not attained the age  
12 of 19;

13 “(B) the term ‘eligible institution or school’  
14 means—

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

17 “(ii) an elementary or secondary school  
18 participating in the school lunch program under  
19 this Act; and

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

23 **SEC. 111. 112. REDUCTION OF PAPERWORK.**

24 Section 19(a) of the National School Lunch Act (42  
25 U.S.C. 1769a(a)) is amended by striking “and other agen-

1 *cies*” and inserting “other agencies” and by inserting “,  
 2 and families of children participating in such programs”  
 3 after “assisted under such Acts”.

4 **~~SEC. 112.~~ 113. EXTENSION OF FOOD SERVICE MANAGEMENT**  
 5 **INSTITUTE.**

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

8 *“(2) \$1,700,000 for each of the fiscal years 1995,*  
 9 *1996, 1997, and 1998 for purposes of carrying out*  
 10 *subsection (a)(2).”.*

11 **~~SEC. 113.~~ 114. DUTIES OF THE SECRETARY OF AGRI-**  
 12 **CULTURE RELATING TO NONPROCUREMENT**  
 13 **DEBARMENT UNDER CERTAIN CHILD NUTRI-**  
 14 **TION PROGRAMS.**

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

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

20 *“(a) PURPOSES.—The purposes of this section are to*  
 21 *promote the prevention and deterrence of instances of fraud,*  
 22 *bid rigging, and other anticompetitive activities encoun-*  
 23 *tered in the procurement of products for child nutrition pro-*  
 24 *grams 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 such activi-*  
7 *ties.*

8           “(b) *DEFINITIONS.—For purposes of this section, the*  
9 *following definitions apply:*

10           “(1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
11 *TEES.—The term ‘appropriate congressional commit-*  
12 *tees’ means the Committee on Education and Labor*  
13 **and the Committee on Agriculture** *of the*  
14 *House of Representatives and the Committee on Agri-*  
15 *culture, Nutrition, and Forestry of the Senate.*

16           “(2) *CHILD NUTRITION PROGRAM.—The term*  
17 *‘child nutrition program’ means—*

18           “(A) *the school lunch program established*  
19 *under this Act;*

20           “(B) *the school breakfast program estab-*  
21 *lished under section 4 of the Child Nutrition Act*  
22 *of 1966 (42 U.S.C. 1773);*

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

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

4           “(E) the summer food service program for  
5 children established under section 13 of this Act;

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

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

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

15           “(4) LOCAL AGENCY.—The term ‘local agency’  
16 means a school, school food authority, child care cen-  
17 ter, sponsoring organization, or other entity author-  
18 ized to operate a child nutrition program at the local  
19 level.

20           “(5) NONPROCUREMENT DEBARMENT.—The term  
21 ‘nonprocurement debarment’ means an action to bar  
22 a person from programs and activities involving Fed-  
23 eral financial and nonfinancial assistance, but not  
24 including Federal procurement programs and activi-  
25 ties.

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

4           “(c) *ASSISTANCE TO IDENTIFY AND PREVENT FRAUD*  
5           *AND ANTICOMPETITIVE ACTIVITIES*.—The Secretary shall—

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

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

23          “(d) *NONPROCUREMENT DEBARMENT*.—

24          “(1) *IN GENERAL*.—Except as provided in para-  
25          graph (3), not later than 180 days after notification

1       of the occurrence of a cause for debarment described  
2       in paragraph (2), the Secretary shall initiate  
3       nonprocurement debarment proceedings against the  
4       contractor who has committed the cause for debar-  
5       ment.

6               “(2) CAUSES FOR DEBARMENT.—Actions requir-  
7       ing initiation of nonprocurement debarment pursuant  
8       to paragraph (1) shall include the following:

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

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

21              “(i) an anticompetitive activity, in-  
22       cluding bid-rigging, price-fixing, the alloca-  
23       tion of customers between competitors, or  
24       other violation of Federal or State antitrust  
25       laws;

1                   “(ii) fraud, bribery, theft, forgery or  
2                   embezzlement;

3                   “(iii) breach of contract;

4                   “(iv) making a false claim or state-  
5                   ment; or

6                   “(v) other obstruction of justice.

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

17                  “(4) MANDATORY CHILD NUTRITION PROGRAM  
18                  DEBARMENT PERIODS.—

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

1           *the debarment shall be for a period of not less*  
2           *than 3 years.*

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

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

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

1           *child nutrition program, if the Secretary deter-*  
2           *mines there is good cause for the action.*

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

7           “(6) *RELATIONSHIP TO OTHER AUTHORITIES.*—  
8           *A debarment imposed under this section shall not re-*  
9           *duce or diminish the authority of a Federal, State, or*  
10          *local government agency or court to penalize, im-*  
11          *prison, fine, suspend, debar, or take other adverse ac-*  
12          *tion against a person in a civil, criminal, or admin-*  
13          *istrative proceeding.*

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

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

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

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

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

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

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

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

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

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

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

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

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

17                 (2) Federal nonprocurement regulations.

18           (d) *NO REDUCTION IN AUTHORITY TO DEBAR OR SUS-*  
19 *PEND A PERSON FROM FEDERAL FINANCIAL AND NON-*  
20 *FINANCIAL ASSISTANCE AND BENEFITS.*—The authority of  
21 the Secretary of Agriculture that exists on the date of enact-  
22 ment of this Act to debar or suspend a person from Federal  
23 financial and nonfinancial assistance and benefits under  
24 Federal programs and activities, on a government-wide

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17           (c) *STARTUP COSTS.—*

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

23           (2) *AMENDMENT TO DEFINITION OF ELIGIBLE*  
24           *SCHOOL.—Section 4(g)(5) of such Act (42 U.S.C.*  
25           *1773(g)(5)) is amended—*

1           (A) in the matter preceding subparagraph  
2           (A), by inserting “and subsection (h)” after “As  
3           used in this subsection”; and

4           (B) in subparagraph (B), by inserting “or  
5           expanded” after “established”.

6           (d) *EXPANSION OF PROGRAM.*—Section 4 of such Act  
7           (42 U.S.C. 1773) is amended by adding at the end the fol-  
8           lowing new subsection:

9                           “*EXPANSION OF PROGRAMS*

10           “(h)(1) The Secretary may use not more than  
11           \$1,000,000 of funds made available under subsection (g)(1)  
12           for any fiscal year to make payments on a competitive basis  
13           to State educational agencies for distribution to eligible  
14           schools to assist such schools with expenses incurred in ex-  
15           panding a school breakfast program established under this  
16           section. Payments received under this subsection shall be in  
17           addition to payments to which State educational agencies  
18           are entitled under subsection (b).

19           “(2) In making payments under this subsection in any  
20           fiscal year, the Secretary shall provide a preference to State  
21           educational agencies that submit to the Secretary—

22                           “(A) a plan to expand school breakfast programs  
23                           conducted in the State, including a description of—

24   “(i) the manner in which the agency will  
25   provide technical assistance and funding to  
26   schools in the State to expand the programs; or

1           “(ii) significant public or private resources  
2           that have been assembled to carry out the expansion of the programs during the year; or

3           “(B) documentation of the need for—

4           “(i) equipment, including the purchase, replacement, or upgrading of equipment associated  
5           with expanding the school breakfast program; or

6           “(ii) other needs, including a need for temporary personnel, or funds to defray administrative or other costs associated with expanding the  
7           school breakfast program.

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

11          **SEC. 202. STATE ADMINISTRATIVE EXPENSES.**

12          (a) *WITHHOLDING OF FUNDS FOR SERIOUS DEFICIENCY IN STATE ADMINISTRATION OF PROGRAMS.*—Section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) is amended by adding at the end the following  
13          new paragraph:  
14          new paragraph:

15          “(9)(A) If the Secretary determines that a State’s administration of any program under this Act (other than  
16          section 17) or under the National School Lunch Act, or compliance with regulations issued pursuant to such Acts, is  
17          seriously deficient, and the State fails to correct the defi-

1 *ciency within a specified period of time, the Secretary may*  
2 *withhold from the State some or all of the funds allocated*  
3 *to the State under this section or under sections 13(k)(1)*  
4 *or 17 of the National School Lunch Act (42 U.S.C.*  
5 *1761(k)(1) and 1766).*

6 *“(B) Upon a subsequent determination by the Sec-*  
7 *retary that the administration of any program referred to*  
8 *in subparagraph (A), or compliance with the regulations*  
9 *issued to carry out such programs, is no longer seriously*  
10 *deficient and is operated in an acceptable manner, the Sec-*  
11 *retary may allocate some or all of the funds withheld under*  
12 *such subparagraph.”.*

13 *(b) EXTENSION OF AUTHORITY TO PROVIDE FUNDS*  
14 *FOR STATE ADMINISTRATIVE EXPENSES.—Section 7(h) of*  
15 *such Act (42 U.S.C. 1776(h)) is amended by striking*  
16 *“1994” and inserting “1998”.*

17 *(c) PROHIBITION OF FUNDING UNLESS STATE AGREES*  
18 *TO PARTICIPATE IN CERTAIN STUDIES OR SURVEYS.—Sec-*  
19 *tion 7 of such Act (42 U.S.C. 1776) is amended—*

20 *(1) by redesignating subsection (h) (as amended*  
21 *by subsection (b)) as subsection (i); and*

22 *(2) by inserting after subsection (g) the following*  
23 *new subsection:*

24 *“(h) The Secretary may not provide amounts under*  
25 *this section to a State for administrative costs incurred in*

1 *any fiscal year unless the State agrees to participate in any*  
2 *study or survey of programs authorized under this Act or*  
3 *the National School Lunch Act and conducted by the Sec-*  
4 *retary.”.*

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

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

9 (1) *in subparagraph (B), by inserting “; such as*  
10 *alcoholism or drug abuse” after “medical conditions”;*  
11 *and*

12 (2) *in subparagraph (D), by striking “and mi-*  
13 *grancy” and inserting “migrancy, and pregnancy”.*

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

17 “(5) *The Secretary shall promote the program by pro-*  
18 *ducing and distributing materials, including television and*  
19 *radio public service announcements in English and other*  
20 *appropriate languages, that inform potentially eligible in-*  
21 *dividuals of the benefits and services under the program.”.*

22 (c) *PRESUMPTIVE ELIGIBILITY FOR CERTAIN PREG-*  
23 *NANT WOMEN.—Section 17(d)(2) of such Act (42 U.S.C.*  
24 *1786(d)(2)) is amended by adding at the end the following*  
25 *new subparagraph:*

1           “(C) In the case of a pregnant woman who is otherwise  
2 ineligible for participation in the program because the fam-  
3 ily of such woman is of insufficient size to meet the income  
4 eligibility standards of the program, such pregnant woman  
5 shall be considered to have satisfied such income eligibility  
6 standards if, by increasing the number of individuals in  
7 the family of such woman by one individual, such income  
8 eligibility standards would be met.”.

9           (d) *PRIORITY CONSIDERATION FOR CERTAIN MIGRANT*  
10 *POPULATIONS.*—Section 17(f)(3) of such Act (42 U.S.C.  
11 1786(f)(3)) is amended by inserting before the period at the  
12 end the following: “and shall ensure that local programs  
13 provide priority consideration to serving migrant partici-  
14 pants who are residing in the State for a limited period  
15 of time”.

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

19           “(18) A State agency may implement income eligi-  
20 bility guidelines under this section concurrently with the  
21 implementation of income eligibility guidelines under the  
22 medicaid program prior to, but not later than, July 1 of  
23 each year.”.

24           (f) *USE OF RECOVERED PROGRAM FUNDS IN YEAR*  
25 *COLLECTED.*—Section 17(f) of such Act (42 U.S.C. 1786(f))

1 *is amended by adding at the end the following new para-*  
2 *graph:*

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

7       (g) *EXTENSION OF PROGRAM.—Section 17 of such Act*  
8 *(42 U.S.C. 1786) is amended—*

9           (1) *in subsection (g)(1), by striking “1991, 1992,*  
10 *1993, and 1994” and inserting “1995 through 1998”;*

11           (2) *in subsection (h)(2)(A), by striking “1990,*  
12 *1991, 1992, 1993 and 1994” and inserting “1995*  
13 *through 1998”; and*

14           (3) *in subsection (m)(10)(A) by striking*  
15 *“\$3,000,000 for fiscal year 1992, \$6,500,000 for fiscal*  
16 *year 1993, and” and by inserting before the period at*  
17 *the end “, \$10,500,000 for fiscal year 1995, and such*  
18 *sums as may be necessary for each of the fiscal years*  
19 *1996, 1997, and 1998”.*

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

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

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

5           (i) *BREASTFEEDING PROMOTION AND SUPPORT AC-*  
6 *TIVITIES.—Section 17(h)(3) of such Act (42 U.S.C.*  
7 *1786(h)(3)) is amended—*

8           (1) in subparagraph (A)(i)(II), by striking  
9 “\$8,000,000,” and inserting “the national minimum  
10 breastfeeding promotion expenditure, as described in  
11 subparagraph (E),”; and

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

14           “(E) The national minimum breastfeeding promotion  
15 expenditure means—

16           “(i) with respect to fiscal year 1995, the amount  
17 that is equal to \$21 multiplied by the number of preg-  
18 nant women and breastfeeding women nationwide,  
19 based on the average of the last 3 months for which  
20 the Secretary has final data; and

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

1           (j) *DEVELOPMENT OF STANDARDS FOR THE COLLEC-*  
2 *TION OF BREASTFEEDING DATA.*—Section 17(h)(4) of such  
3 *Act (42 U.S.C. 1786(h)(4)) is amended—*

4           (1) *in subparagraph (C), by striking the “and”*  
5 *at the end of such subparagraph;*

6           (2) *in subparagraph (D), by striking the period*  
7 *at the end and inserting “; and”; and*

8           (3) *by adding at the end the following new sub-*  
9 *paragraph:*

10           “(E) *not later than 1 year after the date of the*  
11 *enactment of this subparagraph, develop uniform re-*  
12 *quirements for the collection of data regarding inci-*  
13 *dence and duration of breastfeeding among partici-*  
14 *pants in the program, and upon development of such*  
15 *uniform requirements, require each State agency to*  
16 *report such data for inclusion in the report to Con-*  
17 *gress described in section 17(d)(4).”.*

18           (k) *SUBMISSION OF INFORMATION TO THE CONGRESS*  
19 *ON WAIVERS WITH RESPECT TO PROCUREMENT OF INFANT*  
20 *FORMULA.*—Section 17(h)(8)(D)(iii) of such Act (42 U.S.C.  
21 *1786(h)(8)(D)(iii)) is amended by striking “at 6-month in-*  
22 *tervals” and inserting “on a timely basis”.*

23           (l) *PROHIBITION ON INTEREST LIABILITY TO FED-*  
24 *ERAL GOVERNMENT ON REBATE FUNDS.*—Section 17(h)(8)

1 *of such Act (42 U.S.C. 1786(h)(8)) is amended by adding*  
2 *at the end the following new subparagraph:*

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

7       (m) *USE OF UNSPENT NUTRITION SERVICES AND AD-*  
8 *MINISTRATION FUNDS.—Section 17(h) of such Act (42*  
9 *U.S.C. 1786(h)(8)) is amended by adding at the end the*  
10 *following new paragraph:*

11       “(10)(A) For each of the fiscal years 1995 through  
12 1998, from unspent funds for nutrition services and admin-  
13 istration from the previous fiscal year, the Secretary shall  
14 use \$10,000,000 for the purposes specified in subparagraph  
15 (B), except that if the amount of such unspent funds is less  
16 than \$10,000,000 for the previous fiscal year, the amount  
17 under this subparagraph shall equal the amount of such  
18 funds.

19       “(B) Funds under subparagraph (A) shall be used  
20 for—

21               “(i) development of infrastructure for the pro-  
22 gram under this section, including management in-  
23 formation systems;

1           “(ii) special state projects of regional or national  
2           significance directed toward improving the services of  
3           the program under this section; and

4           “(iii) special breastfeeding support and pro-  
5           motion projects, including projects to assess the effec-  
6           tiveness of particular breastfeeding promotion strate-  
7           gies and to develop State or local agency capacity or  
8           facilities to provide quality breastfeeding services.”.

9           (n) *LIMITATION ON ELIGIBILITY FOR FARMERS’ MAR-*  
10 *KET NUTRITION PROGRAM.*—Section 17(m)(1) of such Act  
11 (42 U.S.C. 1786(m)(1)) is amended by striking “, or those  
12 who are on the waiting list to receive the assistance,”.

13           (o) *EXPANSION OF FARMERS’ MARKET NUTRITION*  
14 *PROGRAM.*—Section 17(m) of such Act (42 U.S.C. 1786(m))  
15 is amended—

16           (1) in paragraph (5)(F)—

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

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

20           (C) by inserting after clause (i) the follow-  
21           ing new clause:

22           “(ii) During any fiscal year for which a State  
23           receives assistance under this subsection, the Secretary  
24           shall permit the State to use 3 percent of total pro-  
25           gram funds for market development if the Secretary

1 *determines that the State intends to promote the de-*  
2 *velopment of farmers' markets in socially or economi-*  
3 *cally disadvantaged areas or remote rural areas*  
4 *where individuals eligible for participation in the*  
5 *program have limited access to locally grown fruits*  
6 *and vegetables.”; and*

7 *(2) in paragraph (11)(D), by inserting before the*  
8 *period at the end the following: “or any other agency*  
9 *approved by the chief executive officer of the State”.*

10 *(p) CONTINUED FUNDING FOR CERTAIN STATES*  
11 *UNDER FARMERS' MARKET NUTRITION PROGRAM.—Sec-*  
12 *tion 17(m)(6)(A) of such Act (42 U.S.C. 1786(m)(6)(A)) is*  
13 *amended to read as follows:*

14 *“(6)(A) The Secretary shall continue to provide fund-*  
15 *ing to States which participated in the program in the most*  
16 *recent fiscal year as prescribed by subparagraph (B) or as*  
17 *a part of the demonstration program authorized by this*  
18 *subsection in a fiscal year ending before October 1, 1991.*  
19 *After satisfying the requirements of subparagraph (B), the*  
20 *Secretary shall inform each State of the award of funds as*  
21 *prescribed by subparagraph (G) by February 1st of each*  
22 *year.”.*

23 *(q) ADDITIONAL CONSIDERATION IN PROVIDING*  
24 *FUNDS TO SERVE ADDITIONAL RECIPIENTS IN STATES*  
25 *THAT RECEIVED ASSISTANCE IN THE PRIOR FISCAL YEAR*

1 *UNDER FARMERS' MARKET NUTRITION PROGRAM.—Section*  
2 *tion 17(m)(6)(C) of such Act (42 U.S.C. 1786(m)(6)(C)) is*  
3 *amended—*

4 *(1) in clause (ii), by striking “and” at the end*  
5 *of such clause;*

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

8 *(3) by adding at the end the following new*  
9 *clause:*

10 *“(iv) the number of persons receiving assistance*  
11 *under subsection (c) but not receiving benefits under*  
12 *this subsection.”.*

13 *(r) PERCENTAGE OF ANNUAL APPROPRIATIONS AVAIL-*  
14 *ABLE TO STATES UNDER FARMERS' MARKET NUTRITION*  
15 *PROGRAM.—Section 17(m)(6)(G) of such Act (42 U.S.C.*  
16 *1786(m)(6)(G)) is amended—*

17 *(1) in clause (i), by striking “45 to 55 percent”*  
18 *and inserting “75 percent”; and*

19 *(2) in clause (ii), by striking “45 to 55 percent”*  
20 *and inserting “25 percent”.*

21 *(s) ELIMINATION OF FUNDING CARRYOVER PROVISION*  
22 *UNDER FARMERS' MARKET NUTRITION PROGRAM.—Sec-*  
23 *tion 17(m)(10)(B)(i)(II) of such Act (42 U.S.C.*  
24 *1786(m)(10)(B)(i)(II)) is amended by striking “or may be*  
25 *retained” and all that follows and inserting a period.*

1           (t) *ELIMINATION OF REALLOCATION OF UNEXPENDED*  
2 *FUNDS WITH RESPECT TO DEMONSTRATION PROJECTS*  
3 *UNDER FARMERS' MARKET NUTRITION PROGRAM.*—Sec-  
4 *tion 17(m)(10)(B)(ii) of such Act (42 U.S.C.*  
5 *1786(m)(10)(B)(ii)) is amended by striking the second sen-*  
6 *tence.*

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

11           “(q)(1) *The Secretary and the Secretary of Health and*  
12 *Human Services (hereafter in this subsection referred to as*  
13 *the ‘Secretaries’) shall jointly establish and carry out an*  
14 *initiative for the purpose of providing both supplemental*  
15 *foods and nutrition education under the special supple-*  
16 *mental nutrition program and health care services to low-*  
17 *income pregnant, postpartum, and breastfeeding women,*  
18 *infants, and children at substantially more community*  
19 *health centers and migrant health centers.*

20           “(2) *Such initiative shall also include—*

21           “(A) *activities to improve the coordination of the*  
22 *provision of supplemental foods and nutrition edu-*  
23 *cation under the special supplemental nutrition pro-*  
24 *gram and health care services at facilities funded by*  
25 *the Indian Health Service; and*

1           “(B) development and implementation of strate-  
2           gies to ensure that, to the maximum extent feasible,  
3           new health care facilities established in medically un-  
4           derserved areas as a result of subsequent Federal  
5           health care reform legislation provide supplemental  
6           foods and nutrition education under the special sup-  
7           plemental nutrition program.

8           “(3) Such initiative may include—

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

11          “(B) demonstration projects in selected State or  
12          local areas; and

13          “(C) such other activities as the Secretaries find  
14          appropriate.

15          “(4)(A) Not later than April 1, 1995, the Secretaries  
16          shall prepare and submit to the Congress an initial report  
17          on the actions the Secretaries intend to take to carry out  
18          the initiative.

19          “(B) Not later than July 1, 1996, the Secretaries shall  
20          prepare and submit to the Congress an interim report on  
21          the actions the Secretaries are taking under the initiative  
22          or actions the Secretaries intend to take under the initiative  
23          as a result of their experience in implementing the initia-  
24          tive.

1       “(C) Upon completion of the initiative, the Secretaries  
2 shall prepare and submit to the Congress a final report con-  
3 taining an evaluation of the initiative and a plan to further  
4 the goals of the initiative.

5       “(5) As used in this subsection—

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

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

12       (v) CHANGE IN NAME OF PROGRAM.—

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

15           (A) by striking the section heading and in-  
16 serting the following new section heading:

17       “SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR  
18           WOMEN, INFANTS, AND CHILDREN”;

19           (B) in the first sentence of subsection (c)(1),  
20 by striking “special supplemental food program”  
21 and inserting “special supplemental nutrition  
22 program”;

23           (C) in the second sentence of subsection  
24 (k)(1), by striking “special supplemental food  
25 program” each place it appears and inserting  
26 “special supplemental nutrition program”; and

1           (D) in subsection (o)(1)(B), by striking  
2           “special supplemental food program” and insert-  
3           ing “special supplemental nutrition program”.

4           (2) REFERENCES.—Any reference to the “special  
5           supplemental food program” in any provision of law,  
6           regulation, document, record, or other paper of the  
7           United States shall be considered to be a reference to  
8           the “special supplemental nutrition program”.

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

10          (a) USE OF FUNDS.—Section 19(f)(1) of the Child Nu-  
11          trition Act of 1966 (42 U.S.C. 1788(f)(1)) is amended—

12                 (1) by striking “(f)(1) The funds” and inserting  
13                 “(f)(1)(A) The funds”;

14                 (2) by striking “for (A) employing” and insert-  
15                 ing “for—

16                 “(i) employing”;

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

19                 (4) by indenting the margins of each of clauses  
20                 (ii) through (ix) (as redesignated by paragraph (3))  
21                 as so to align with the margin of clause (i) (as  
22                 amended by paragraph (2));

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

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

1           (7) by inserting after clause (viii) the following  
2           new clauses:

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

6           “(x) instructing teachers, school administrators,  
7           or other school staff on how to promote better nutri-  
8           tional health and to motivate children of varying lin-  
9           guistic and cultural backgrounds to practice sound  
10          eating habits;

11          “(xi) developing means of providing nutrition  
12          education in language-appropriate materials to chil-  
13          dren and families of children through after-school pro-  
14          grams;

15          “(xii) training in relation to healthy and nutri-  
16          tious meals;

17          “(xiii) creating instructional programming, in-  
18          cluding language-appropriate materials and pro-  
19          gramming, for teachers, school food service personnel,  
20          and parents on the relationships between nutrition  
21          and health and the role of the food guide pyramid es-  
22          tablished by the Secretary;

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

1           “(xv) increasing evaluation efforts at the State  
2 level regarding needs assessment for nutrition edu-  
3 cation efforts;

4           “(xvi) encouraging public service advertisements,  
5 including language-appropriate materials and adver-  
6 tisements, to promote healthy eating habits for chil-  
7 dren; and”;

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

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

15          (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
16 19(i)(2)(A) of such Act (42 U.S.C. 1788(i)(2)(a)) is amend-  
17 ed by striking “nutrition education and information pro-  
18 grams” and all that follows and inserting “nutrition edu-  
19 cation and information programs \$10,300,000 for each of  
20 the fiscal years 1995, 1996, 1997, and 1998.”.

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

23           (1) by redesignating paragraph (3) as para-  
24 graph (4); and

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

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

7           **TITLE III—MISCELLANEOUS**  
8           **PROVISIONS**

9           **SEC. 301. CONSOLIDATION OF SCHOOL LUNCH PROGRAM**  
10           **AND SCHOOL BREAKFAST PROGRAM INTO**  
11           **COMPREHENSIVE MEAL PROGRAM.**

12           (a) *IN GENERAL.*—Notwithstanding any other provi-  
13 sion of law, the Secretary of Agriculture shall, not later  
14 than 1 year after the date of the enactment of this Act, de-  
15 velop and implement regulations to consolidate the school  
16 lunch program under the National School Lunch Act (42  
17 U.S.C. 1751 et seq.) and the school breakfast program under  
18 section 4 of the Child Nutrition Act of 1966 (42 U.S.C.  
19 1773) into a comprehensive meal program.

20           (b) *REQUIREMENTS.*—In establishing such comprehen-  
21 sive meal program under subsection (a), the Secretary shall  
22 meet the following requirements:

23           (1) The Secretary shall ensure that the program  
24 continues to serve children who are eligible for free  
25 and reduced price meals. Such meals shall meet the

1       *nutritional requirements under section 9(a)(1) of the*  
2       *National School Lunch Act (42 U.S.C. 1758(a)(1))*  
3       *and under section 4(e)(1) of the Child Nutrition Act*  
4       *of 1966 (42 U.S.C. 1773(e)(1)).*

5               *(2) The Secretary shall continue to make break-*  
6       *fast assistance payments in accordance with section 4*  
7       *of the Child Nutrition Act of 1966 and food assistance*  
8       *payments in accordance with the National School*  
9       *Lunch Act.*

10       *(c) REPORTS.—*

11               *(1) INITIAL REPORT.—Prior to implementing the*  
12       *regulations described in subsection (a), the Secretary*  
13       *shall submit to the Congress a report containing a*  
14       *plan for the consolidation and simplification of the*  
15       *school lunch program and the school breakfast pro-*  
16       *gram.*

17               *(2) REPORTS WITH RESPECT TO CHANGE IN PAY-*  
18       *MENT AMOUNTS.—If the Secretary proposes to change*  
19       *the amount of the breakfast assistance payment or the*  
20       *food assistance payment under the comprehensive*  
21       *meal program, the Secretary shall prepare and sub-*  
22       *mit to the Congress a report containing recommenda-*  
23       *tions for legislation to effect such change.*

1 **SEC. 302. STUDY AND REPORT RELATING TO USE OF PRI-**  
2 **VATE FOOD ESTABLISHMENTS AND CATER-**  
3 **ERS UNDER SCHOOL LUNCH PROGRAM AND**  
4 **SCHOOL BREAKFAST PROGRAM.**

5 (a) *STUDY.*—The Comptroller General of the United  
6 States, in conjunction with the Director of the Office of  
7 Technology Assessment, shall conduct a study on the use  
8 of private food establishments and caterers, including fast  
9 food and other restaurants, by schools that participate in  
10 the school lunch program under the National School Lunch  
11 Act (42 U.S.C. 1751 et seq.) or the school breakfast program  
12 under section 4 of the Child Nutrition Act of 1966 (42  
13 U.S.C. 1773). In conducting such study, the Comptroller  
14 General of the United States shall—

15 (1) *examine the extent, manner, and terms under*  
16 *which such private food establishments and caterers*  
17 *supply meals and food to students and schools that*  
18 *participate in the school lunch program or the school*  
19 *breakfast program;*

20 (2) *determine the nutritional profile of all foods*  
21 *provided by such establishments and caterers to stu-*  
22 *dents during school hours; and*

23 (3) *evaluate the impact that the services provided*  
24 *by such establishments and caterers have on the abil-*  
25 *ity of local child nutrition programs to operate nutri-*  
26 *tionally sound and cost-effective programs.*

1       (b) *REPORT.*—Not later than September 1, 1996, the  
2 *Comptroller General of the United States* shall submit to  
3 *the Committee on Education and Labor* **and the Com-**  
4 **mittee on Agriculture** *of the House of Representatives*  
5 *and the Committee on Agriculture, Nutrition, and Forestry*  
6 *of the Senate* a report that contains the findings, determina-  
7 *tions, and evaluations of the study conducted pursuant to*  
8 *subsection (a).*

9       **SEC. 303. REPORT RELATING TO UNIFIED ACCOUNTABILITY**  
10                               **SYSTEM UNDER NATIONAL SCHOOL LUNCH**  
11                               **ACT.**

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

17               (1) *the status of the unified accountability sys-*  
18 *tem authorized under section 22 of the National*  
19 *School Lunch Act (42 U.S.C. 1769c);*

20               (2) *the advantages and disadvantages of the sys-*  
21 *tem; and*

22               (3) *the cost impact of the system on schools.*

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

3 *Section 3(h)(3) of the Commodity Distribution Reform*  
4 *Act and WIC Amendments of 1987 is amended by striking*  
5 *“Hawaii.”.*

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