

Chapter 13A.—CHILD NUTRITION [New]

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§ 1771. Congressional declaration of purpose.

In recognition of the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn, based on the years of cumulative successful experience under the national school lunch program with its significant contributions in the field of applied nutrition research, it is hereby declared to be the policy of Congress that these efforts shall be extended, expanded, and strengthened under the authority of the Secretary of Agriculture as a measure to safeguard the health and well-being of the Nation's children, and to encourage the domestic consumption of agricultural and other foods, by assisting States, through grants-in-aid and other means, to meet more effectively the nutritional needs of our children. (Pub. L. 89-642, § 2, Oct. 11, 1966, 80 Stat. 885.)

SHORT TITLE

Section 1 of Pub. L. 89-642 provided: "That this Act [enacting this chapter] may be cited as the 'Child Nutrition Act of 1966'."

§ 1772. Program to encourage the consumption of fluid milk by children; authorization of appropriations.

There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed \$110,000,000; for the fiscal year ending June 30, 1968, not to exceed \$115,000,000; and for each of the two succeeding fiscal years not to exceed \$120,000,000,

to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this section "United States" means the fifty States and the District of Columbia. The Secretary shall administer the special milk program provided for by this section to the maximum extent practicable in the same manner as he administered the special milk program provided for by Public Law 85-478, as amended, during the fiscal year ended June 30, 1966. (Pub. L. 89-642, § 3, Oct. 11, 1966, 80 Stat. 885.)

REFERENCES IN TEXT

Pub. L. 89-478, as amended, referred to in text, is set out in the note under section 1446 of Title 7, Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1775, 1780 of this title.

§ 1773. School breakfast program.

(a) Establishment; authorization of appropriations.

There is hereby authorized to be appropriated for the fiscal year 1969, \$6,500,000; and for the fiscal year 1970 not to exceed \$10,000,000; and for the fiscal year 1971 not to exceed 12,000,000 to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools. Appropriations and expenditures for this chapter shall be considered Health, Education, and Welfare functions for budget purposes rather than functions of Agriculture.

(b) Apportionment of funds to States.

Of the funds appropriated for the purposes of this section, the Secretary shall for each fiscal year, (1) apportion \$2,600,000 equally among the States other than Guam, the Virgin Islands, and American Samoa, and \$45,000 equally among Guam, the Virgin Islands, and American Samoa, and (2) apportion the remainder among the States in accordance with the apportionment formula contained in section 1753 of this title.

(c) Disbursement of apportioned funds by State; preference for schools in poor economic areas and for students traveling long distances daily.

Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency, to reimburse such schools for the cost of obtaining agricultural and other foods for consumption by needy children in a breakfast program and for the purpose of subsection (d) of this section. Such food costs may include, in addition to the purchase price, the cost of processing, distributing, transporting, storing, and handling. Disbursement to schools shall be made at such rates per meal or on such other basis as the Secretary shall prescribe. In selecting schools, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist and to those schools to which a substantial

proportion of the children enrolled must travel long distances daily.

(d) Increased financial assistance in cases of severe need.

In circumstances of severe need where the rate per meal established by the Secretary is deemed by him insufficient to carry on an effective breakfast program in a school, the Secretary may authorize financial assistance up to 80 per centum of the operating costs of such a program, including cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance.

(e) Nutritional requirements; limitation of recipient children to children unable to pay full cost.

Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full cost of the breakfast. In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay.

(f) Nonprofit private schools.

The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 1759 of this title, exclusive of the matching provisions thereof. (Pub. L. 89-642, § 4, Oct. 11, 1966, 80 Stat. 886, amended Pub. L. 90-302, § 5, May 8, 1968, 82 Stat. 119.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-302 added authorization to appropriate \$6,500,000 for fiscal year 1969, not to exceed \$10,000,000 for fiscal year 1970, and not to exceed \$12,000,000 for fiscal year 1971, struck out references to authorization for fiscal years 1967 and 1968 and to pilot programs conducted on a nonpartisan basis, and added provision that appropriations and expenditures for this chapter be considered Health, Education, and Welfare functions for budget purposes rather than functions of Agriculture.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1775, 1776, 1777, 1780 of this title.

§ 1774. Nonfood assistance program.

(a) Establishment; equipment required for food service programs; authorization of appropriations.

There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed \$12,000,000, for the fiscal year ending June 30, 1968, not to exceed \$15,000,000, for each of the two fiscal years ending June 30, 1969, and June 30, 1970, not to exceed \$18,000,000, and for each fiscal year thereafter such sums as the Congress may hereafter authorize, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings,

for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of nonprofit private schools, such equipment shall be for use of such schools principally in connection with child feeding programs authorized in this chapter and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

(b) Apportionment of funds to States.

The Secretary shall apportion the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 1753 of this title for supplying agricultural and other foods, except that apportionment to American Samoa for any fiscal year shall be on the same basis as the apportionment to the other States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds.

(c) Disbursements of apportioned funds by State; determination of need; approval of plans.

Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to assist schools, which draw attendance from areas in which poor economic conditions exist and which have no, or grossly inadequate, equipment, to conduct a school food service program, and to acquire such equipment. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance and the inability of the school to finance the food service equipment needed. Disbursements to any school may be made, by advances or reimbursements, only after approval by the State educational agency of a request by the school for funds, accompanied by a detailed description of the equipment to be acquired and the plans for the use thereof in effectively meeting the nutritional needs of children in the school.

(d) Nonprofit private schools.

The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 1759 of this title, exclusive of the matching provision thereof. (Pub. L. 89-642, § 5, Oct. 11, 1966, 80 Stat. 887.)

REFERENCES IN TEXT

The National School Lunch Act, as amended, referred to in the text, is classified to chapter 13 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1775, 1776, 1780 of this title.

§ 1775. Certification to Secretary of the Treasury of amounts to be paid to States.

The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under sections 1772 through 1776 of this title and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay

to the State at the time or times fixed by the Secretary the amounts so certified. (Pub. L. 89-642, § 6, Oct. 11, 1966, 80 Stat. 888.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1775 of this title.

§ 1776. State administrative expenses.

The Secretary may utilize funds appropriated under this section for advances to each State educational agency for use for its administrative expenses in supervising and giving technical assistance to the local school districts in their conducting of programs under this chapter and under sections 1759a and 1761 of this title. Such funds shall be advanced only in amounts and to the extent determined necessary by the Secretary to assist such State agencies in the administration of additional activities undertaken by them under sections 1759a, 1761, 1773, and 1774 of this title. There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this section. (Pub. L. 89-642, § 7, Oct. 11, 1966, 80 Stat. 888, amended Pub. L. 90-302, § 4, May 8, 1968, 82 Stat. 119.)

AMENDMENTS

1968—Pub. L. 90-302 added the programs under sections 1759a and 1761 of this title to the enumeration of programs in which appropriated funds could be used for administrative expenses of local school districts in supervising and giving technical assistance and added section 1761 to the enumeration of sections covering programs of additional activities under which funds could be advanced only in amounts and to the extent determined necessary by the Secretary.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1775 of this title.

§ 1777. Use in school breakfast program of food designated as being in abundance or food donated by the Secretary of Agriculture.

Each school participating under section 1773 of this title shall, insofar as practicable, utilize in its program foods designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or foods donated by the Secretary. Foods available under section 1431 of Title 7 or purchased under sections 612c or 1446a-1 of Title 7, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in their feeding programs under this chapter. (Pub. L. 89-642, § 8, Oct. 11, 1966, 80 Stat. 888.)

§ 1778. Nonprofit programs.

The food and milk service programs in schools and nonprofit institutions receiving assistance under this chapter shall be conducted on a nonprofit basis. (Pub. L. 89-642, § 9, Oct. 11, 1966, 80 Stat. 888.)

§ 1779. Rules and regulations.

The Secretary shall prescribe such regulations as he may deem necessary to carry out this chapter. (Pub. L. 89-642, § 10, Oct. 11, 1966, 80 Stat. 889.)

§ 1780. Prohibition against interference with school personnel, curriculum, or instruction; prohibition against inclusion of assistance in determining income or resources for purposes of taxation, welfare, or public assistance programs.

(a) In carrying out the provisions of sections 1772 through 1774 of this title, neither the Secretary

nor the State shall impose any requirements with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction.

(b) The value of assistance to children under this chapter shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs. Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this chapter. (Pub. L. 89-642, § 11, Oct. 11, 1966, 80 Stat. 889.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1717.

§ 1781. Preschool programs.

The Secretary may extend the benefits of all school feeding programs conducted and supervised by the Department of Agriculture to include preschool programs operated as part of the school system. (Pub. L. 89-642, § 12, Oct. 11, 1966, 80 Stat. 889.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1717.

§ 1782. Centralization in Department of Agriculture of administration of food service programs for children.

Authority for the conduct and supervision of Federal programs to assist schools in providing food service programs for children is assigned to the Department of Agriculture. To the extent practicable, other Federal agencies administering programs under which funds are to be provided to schools for such assistance shall transfer such funds to the Department of Agriculture for distribution through the administrative channels and in accordance with the standards established under this chapter and the National School Lunch Act. (Pub. L. 89-642, § 13, Oct. 11, 1966, 80 Stat. 889.)

REFERENCES IN TEXT

The National School Lunch Act, referred to in the text, is classified to chapter 13 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1717.

§ 1783. Authorization of appropriations to the Secretary of Agriculture for administrative expenses.

There is hereby authorized to be appropriated for any fiscal year such sums as may be necessary to the Secretary for his administrative expense under this chapter. (Pub. L. 89-642, § 14, Oct. 11, 1966, 80 Stat. 889.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1717.

§ 1784. Definitions.

For the purposes of this chapter—

(a) "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(b) "State educational agency" means, as the State legislature may determine, (1) the chief

State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (2) a board of education controlling the State department of education.

(c) "Nonprofit private school" means any private school exempt from income tax under section 501(c)(3) of Title 26.

(d) "School" means any public or nonprofit private school of high school grade or under, including kindergarten and preschool programs operated by such school and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.

(e) "Secretary" means the Secretary of Agriculture.

(Pub. L. 89-642, § 15, Oct. 11, 1966, 80 Stat. 889.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1717.

§ 1785. Accounts and records availability for inspection.

States, State educational agencies, schools, and nonprofit institutions participating in programs under this chapter shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this chapter and the regulations hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of three years, as the Secretary determines is necessary. (Pub. L. 89-642, § 16, Oct. 11, 1966, 80 Stat. 890.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1717.

Chapter 15.—DISASTER RELIEF

SUBCHAPTER II.—ADJUSTMENT AND COORDINATION OF FEDERAL PROGRAMS [NEW]

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SUBCHAPTER I.—FEDERAL ASSISTANCE PROGRAMS

§ 1855. Declaration of Congressional intent.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4021 of this title and in title 7 section 1427; title 15 section 636; title 20 sections 241-1, 646; and title 38 section 1820.

§ 1855a. Definitions.

As used in this chapter, the following terms shall be construed as follows unless a contrary intent appears from the context:

* * * * *

(e) "Local government" means any county, city, village, town, district, or other political subdivision of any State, or the District of Columbia, and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or local government or governmental agency;

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(As amended Nov. 6, 1966, Pub. L. 89-769, § 6(a), 80 Stat. 1317.)

AMENDMENTS

1966—Subsec. (e). Pub. L. 89-769 inserted "and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or local government or governmental agency."

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment of section by Pub. L. 89-769 applicable with respect to any major disaster occurring after October 3, 1964, see section 14 of Pub. L. 89-760, set out as a note under section 1855aa of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1462, 4021 of this title and in title 7 section 1427; title 12 section 1709; title 15 section 636; title 20 sections 241-1, 758; title 38 section 1820; title 40 section 461.