

**TITLE 42 - THE PUBLIC HEALTH AND WELFARE  
CHAPTER 13 - SCHOOL LUNCH PROGRAMS****§ 1769. Pilot projects****(a) Pilot projects for administration of child nutrition programs by contract or direct disbursement**

The Secretary may conduct pilot projects in not more than three States in which the Secretary is currently administering programs to evaluate the effects of the Secretary contracting with private profit and nonprofit organizations to act as a State agency under this chapter and the Child Nutrition Act of 1966 [42 U.S.C. 1771 et seq.] for schools, institutions, or service institutions referred to in section 1759 of this title and section 5 of the Child Nutrition Act of 1966 [42 U.S.C. 1774].

**(b) Extension of eligibility of certain school districts to receive cash or commodity letters of credit assistance for school lunch programs**

(1) Upon request to the Secretary, any school district that on January 1, 1987, was receiving all cash payments or all commodity letters of credit in lieu of entitlement commodities for its school lunch program shall receive all cash payments or all commodity letters of credit in lieu of entitlement commodities for its school lunch program beginning July 1, 1987. The Secretary, directly or through contract, shall administer the project under this subsection.

(2) Any school district that elects under paragraph (1) to receive all cash payments or all commodity letters of credit in lieu of entitlement commodities for its school lunch program shall receive bonus commodities in the same manner as if such school district was receiving all entitlement commodities for its school lunch program.

**(c) Alternative counting and claiming procedures**

(1) (A) The Secretary shall carry out a pilot program for purposes of identifying alternatives to—  
(i) daily counting by category of meals provided by school lunch programs under this chapter; and

(ii) annual applications for eligibility to receive free meals or reduced price meals.

(B) For the purposes of carrying out the pilot program under this paragraph, the Secretary may waive requirements of this chapter relating to counting of meals provided by school lunch programs and applications for eligibility.

(C) For the purposes of carrying out the pilot program under this paragraph, the Secretary shall solicit proposals from State educational agencies and local educational agencies for the alternatives described in subparagraph (A).

(2) (A) The Secretary shall carry out a pilot program under which a limited number of schools participating in the special assistance program under section 1759a (a)(1) of this title that have in attendance children at least 80 percent of whom are eligible for free lunches or reduced price lunches shall submit applications for a 3-year period.

(B) Each school participating in the pilot program under this paragraph shall have the option of determining the number of free meals, reduced price meals, and paid meals provided daily under the school lunch program operated by such school by applying percentages determined under subparagraph (C) to the daily total student meal count.

(C) The percentages determined under this subparagraph shall be established on the basis of the master roster of students enrolled in the school concerned, which—

(i) shall include a notation as to the eligibility status of each student with respect to the school lunch program; and

(ii) shall be updated not later than September 30 of each year.

(3) In addition to the pilot projects described in this subsection, the Secretary may conduct other pilot projects to test alternative counting and claiming procedures.

(4) Each pilot program carried out under this subsection shall be evaluated by the Secretary after it has been in operation for 3 years.

**(d) Fortified fluid milk**

(1) Subject to the availability of appropriations to carry out this subsection, the Secretary shall establish pilot projects in at least 25 school districts under which the milk offered by schools meets the fortification requirements of paragraph (3) for lowfat, skim, and other forms of fluid milk.

(2) The Secretary shall make available to school districts information that compares the nutritional benefits of fluid milk that meets the fortification requirements of paragraph (3) and the nutritional benefits of other milk that is made available through the school lunch program established under this chapter.

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

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

(i) 3.25 percent milk fat; and

(ii) 8.7 percent milk solids not fat;

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

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

(4) (A) In selecting where to establish pilot projects under this subsection, the Secretary shall take into account, among other factors, the availability of fortified milk and the interest of the school district in being included in the pilot project.

(B) The Secretary shall establish the pilot projects in as many geographic areas as practicable, except that none of the projects shall be established in school districts that use milk described in paragraph (3) or similar milk.

(5) Not later than 2 years after the establishment of the first pilot project under this subsection, the Secretary shall report to the Committee on Education and Labor, and the Committee on Agriculture, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on—

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

(B) the impact of offering the milk on milk consumption;

(C) the views of the school food service authorities on the pilot projects; and

(D) any increases or reductions in costs attributed to the pilot projects.

(6) The Secretary shall—

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

(B) on request, make available to State agencies and the public—

(i) the information obtained under subparagraph (A); and

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

(7) (A) Each pilot project established under this subsection shall terminate on the last day of the third year after the establishment of the pilot project.

(B) The Secretary shall advise representatives of each district participating in a pilot project that the district may continue to offer the fortified forms of milk described in paragraph (3) after the project terminates.

**(e) Breakfast pilot projects**

**(1) In general**

Subject to the availability of funds made available under paragraph (10), for a period of 3 successive school years, the Secretary shall make grants to State agencies to conduct pilot projects in elementary schools under the jurisdiction of not more than 6 school food authorities approved by the Secretary to—

- (A) reduce paperwork, simplify meal counting requirements, and make changes that will increase participation in the school breakfast program; and
- (B) evaluate the effect of providing free breakfasts to elementary school children, without regard to family income, on participation, academic achievement, attendance and tardiness, and dietary intake over the course of a day.

**(2) Nominations**

A State agency that seeks a grant under this subsection shall submit to the Secretary nominations of school food authorities to participate in a pilot project under this subsection <sup>1</sup>

**(3) Approval**

The Secretary shall approve for participation in pilot projects under this subsection elementary schools under the jurisdiction of not more than 6 nominated school food authorities selected so as to—

- (A) provide for an equitable distribution of pilot projects among urban and rural elementary schools;
- (B) provide for an equitable distribution of pilot projects among elementary schools of varying family income levels; and
- (C) permit the evaluation of pilot projects to distinguish the effects of the pilot projects from other factors, such as changes or differences in educational policies or programs.

**(4) Grants to school food authorities**

A State agency receiving a grant under paragraph (1) shall make grants to school food authorities to conduct the pilot projects described in paragraph (1).

**(5) Duration of pilot projects**

Subject to the availability of funds made available to carry out this subsection, a school food authority receiving amounts under a grant to conduct a pilot project described in paragraph (1) shall conduct the project during a period of 3 successive school years.

**(6) Waiver authority**

**(A) In general**

Except as provided in subparagraph (B), the Secretary may waive the requirements of this chapter and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) relating to counting of meals, applications for eligibility, and related requirements that would preclude the Secretary from making a grant to conduct a pilot project under paragraph (1).

**(B) Nonwaivable requirements**

The Secretary may not waive a requirement under subparagraph (A) if the waiver would prevent a program participant, a potential program participant, or a school from receiving all of the benefits and protections of this chapter, the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or a Federal law (including a regulation) that protects an individual constitutional right or a statutory civil right.

**(7) Requirements for participation in pilot project**

To be eligible to participate in a pilot project under this subsection—

- (A) a State agency—
  - (i) shall submit an application to the Secretary at such time and in such manner as the Secretary shall establish to meet criteria the Secretary has established to enable a valid evaluation to be conducted; and
  - (ii) shall provide such information relating to the operation and results of the pilot project as the Secretary may reasonably require; and
- (B) a school food authority—
  - (i) shall agree to serve all breakfasts at no charge to all children enrolled in participating elementary schools;
  - (ii) shall not have a history of violations of this chapter or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);
  - (iii) shall have, under the jurisdiction of the school food authority, a sufficient number of elementary schools that are not participating in the pilot projects to permit a valid evaluation of the effects of the pilot projects; and
  - (iv) shall meet all other requirements that the Secretary may reasonably require.

**(8) Evaluation of pilot projects**

**(A) In general**

The Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct an evaluation of the pilot projects conducted by the school food authorities selected for participation.

**(B) Content**

The evaluation shall include—

- (i) a determination of the effect of participation in the pilot project on the academic achievement, attendance and tardiness, and dietary intake over the course of a day of participating children that is not attributable to changes in educational policies and practices; and
- (ii) a determination of the effect that participation by elementary schools in the pilot project has on the proportion of students who eat breakfast and on the paperwork required to be completed by the schools.

**(C) Report**

On completion of the pilot projects and the evaluation, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation of the pilot projects required under subparagraph (A).

**(9) Reimbursement**

**(A) In general**

Except as provided in subparagraph (B), a school conducting a pilot project under this subsection shall receive a total Federal reimbursement under the school breakfast program in an amount that is equal to the total Federal reimbursement for the school for the prior year under the program (adjusted to reflect changes in the series for food away from home of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor and adjusted for fluctuations in enrollment).

**(B) Excess needs**

Funds required for the pilot project in excess of the level of reimbursement received by the school for the prior year (adjusted to reflect changes described in subparagraph (A) and adjusted for fluctuations in enrollment) may be taken from any non-Federal source or from amounts provided under this subsection.

**(10) Authorization of appropriations****(A) In general**

There are authorized to be appropriated such sums as are necessary to carry out this subsection.

**(B) Requirement**

No amounts may be provided under this subsection unless specifically provided in appropriations Acts.

**(f) Summer food service residential camp eligibility****(1) In general**

During the month after June 30, 2004, through September, 2004, and the months of May through September, 2005, the Secretary shall modify eligibility criteria, at not more than 1 private nonprofit residential camp in each of not more than 2 States, as determined by the Secretary, for the purpose of identifying and evaluating alternative methods of determining the eligibility of residential private nonprofit camps to participate in the summer food service program for children established under section 1761 of this title.

**(2) Eligibility**

To be eligible for the criteria modified under paragraph (1), a residential camp—

**(A)** shall be a service institution (as defined in section 1761 (a)(1) of this title);

**(B)** may not charge a fee to any child in residence at the camp; and

**(C)** shall serve children who reside in an area in which poor economic conditions exist (as defined in section 1761 (a)(1) of this title).

**(3) Payments****(A) In general**

Under this subsection, the Secretary shall provide reimbursement for meals served to all children at a residential camp at the payment rates specified in section 1761 (b)(1) of this title.

**(B) Reimbursable meals**

A residential camp selected by the Secretary may receive reimbursement for not more than 3 meals, or 2 meals and 1 supplement, during each day of operation.

**(4) Evaluation****(A) Information from residential camps**

Not later than December 31, 2005, a residential camp selected under paragraph (1) shall report to the Secretary such information as is required by the Secretary concerning the requirements of this subsection.

**(B) Report to Congress**

Not later than March 31, 2006, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the effect of this subsection on program participation and other factors, as determined by the Secretary.

**(g) Access to local foods and school gardens****(1) In general**

The Secretary may provide assistance, through competitive matching grants and technical assistance, to schools and nonprofit entities for projects that—

**(A)** improve access to local foods in schools and institutions participating in programs under this chapter and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) through farm-to-cafeteria activities, including school gardens, that may include the acquisition of food and appropriate equipment and the provision of training and education;

- (B) are, at a minimum, designed to—
  - (i) procure local foods from small- and medium-sized farms for school meals; and
  - (ii) support school garden programs;
- (C) support nutrition education activities or curriculum planning that promotes healthy food education in the school curriculum and incorporates the participation of school children in farm-based agricultural education activities, that may include school gardens;
- (D) develop a sustained commitment to farm-to-cafeteria projects in the community by linking schools, State departments of agriculture, agricultural producers, parents, and other community stakeholders;
- (E) require \$100,000 or less in Federal contributions;
- (F) require a Federal share of costs not to exceed 75 percent;
- (G) provide matching support in the form of cash or in-kind contributions (including facilities, equipment, or services provided by State and local governments and private sources); and
- (H) cooperate in an evaluation carried out by the Secretary.

**(2) Administration**

In providing grants under paragraph (1), the Secretary shall give priority to projects that can be replicated in schools.

**(3) Pilot program for high-poverty schools**

**(A) Definitions**

In this paragraph:

**(i) Eligible program**

The term “eligible program” means—

- (I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or
- (II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

**(ii) Eligible school**

The term “eligible school” means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this chapter.

**(B) Establishment**

The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

- (i) be planted, cared for, and harvested by students at the eligible schools; and
- (ii) teach the students participating in the community gardens about agriculture production practices and diet.

**(C) Priority States**

Of the States in which grantees under this paragraph are located—

- (i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;
- (ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and
- (iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

**(D) Use of produce**

Produce from a community garden provided a grant under this paragraph may be—

- (i) used to supplement food provided at the eligible school;
- (ii) distributed to students to bring home to the families of the students; or
- (iii) donated to a local food bank or senior center nutrition program.

**(E) No cost-sharing requirement**

A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

**(F) Evaluation**

A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation in accordance with paragraph (1)(H).

**(4) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2004 through 2009.

**(h) Year-round services for eligible entities**

**(1) In general**

A service institution that is described in section 1761 (a)(6) of this title (excluding a public school), or a private nonprofit organization described in section 1761 (a)(7) of this title, and that is located in the State of California may be reimbursed—

**(A)** for up to 2 meals during each day of operation served—

- (i) during the months of May through September;
- (ii) in the case of a service institution that operates a food service program for children on school vacation, at anytime under a continuous school calendar; and
- (iii) in the case of a service institution that provides meal service at a nonschool site to children who are not in school for a period during the school year due to a natural disaster, building repair, court order, or similar case, at anytime during such a period; and

**(B)** for a snack served during each day of operation after school hours, weekends, and school holidays during the regular school calendar.

**(2) Payments**

The service institution shall be reimbursed consistent with section 1761 (b)(1) of this title.

**(3) Administration**

To receive reimbursement under this subsection, a service institution shall comply with section 1761 of this title, other than subsections (b)(2) and (c)(1) of that section.

**(4) Evaluation**

Not later than September 30, 2007, the State agency shall submit to the Secretary a report on the effect of this subsection on participation in the summer food service program for children established under section 1761 of this title.

**(5) Funding**

The Secretary shall provide to the State of California such sums as are necessary to carry out this subsection for each of fiscal years 2005 through 2009.

**(i) Free lunch and breakfast eligibility**

**(1) In general**

Subject to the availability of funds under paragraph (4), the Secretary shall expand the service of free lunches and breakfasts provided at schools participating in the school lunch program under

this chapter or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) in all or part of 5 States selected by the Secretary (of which at least 1 shall be a largely rural State with a significant Native American population).

**(2) Income eligibility**

The income guidelines for determining eligibility for free lunches or breakfasts under this subsection shall be 185 percent of the applicable family size income levels contained in the nonfarm income poverty guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 1758 (b)(1)(B) of this title.

**(3) Evaluation**

**(A) In general**

Not later than 3 years after the implementation of this subsection, the Secretary shall conduct an evaluation to assess the impact of the changed income eligibility guidelines by comparing the school food authorities operating under this subsection to school food authorities not operating under this subsection.

**(B) Impact assessment**

**(i) Children**

The evaluation shall assess the impact of this subsection separately on—

**(I)** children in households with incomes less than 130 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 1758 (b)(1)(B) of this title; and

**(II)** children in households with incomes greater than 130 percent and not greater than 185 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 1758 (b)(1)(B) of this title.

**(ii) Factors**

The evaluation shall assess the impact of this subsection on—

**(I)** certification and participation rates in the school lunch and breakfast programs;

**(II)** rates of lunch- and breakfast-skipping;

**(III)** academic achievement;

**(IV)** the allocation of funds authorized in title I of the Elementary and Secondary Education Act [20 U.S.C. 6301 et seq.] to local educational agencies and public schools; and

**(V)** other factors determined by the Secretary.

**(C) Cost assessment**

The evaluation shall assess the increased costs associated with providing additional free, reduced price, or paid meals in the school food authorities operating under this subsection.

**(D) Report**

On completion of the evaluation, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this paragraph.

**(4) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

<sup>1</sup> So in original. Probably should be followed by a period.

(June 4, 1946, ch. 281, § 18, formerly § 20, as added Pub. L. 95–166, § 10(2), Nov. 10, 1977, 91 Stat. 1336; amended Pub. L. 95–627, § 11, Nov. 10, 1978, 92 Stat. 3624; renumbered § 18 and amended Pub. L. 99–500, title III, §§ 327, 371 (c)(1), Oct. 18, 1986, 100 Stat. 1783–362, 1783–368, and Pub. L. 99–591, title III, §§ 327, 371 (c)(1), Oct. 30, 1986, 100 Stat. 3341–365, 3341–372; renumbered § 18 and amended Pub. L. 99–661, div. D, title II, § 4207, title V, § 4501(c)(1), Nov. 14, 1986, 100 Stat. 4073, 4080; Pub. L. 100–237, § 5, Jan. 8, 1988, 101 Stat. 1739; Pub. L. 101–147, title I, § 107, title II, § 205(a), title III, § 311, Nov. 10, 1989, 103 Stat. 886, 910, 916; Pub. L. 102–342, title I, § 101(a), title III, § 301, Aug. 14, 1992, 106 Stat. 911, 913; Pub. L. 102–512, title I, § 102, Oct. 24, 1992, 106 Stat. 3363; Pub. L. 103–448, title I, §§ 117(a)(2)(A), (b), 118, Nov. 2, 1994, 108 Stat. 4717, 4719; Pub. L. 104–193, title VII, § 709, Aug. 22, 1996, 110 Stat. 2301; Pub. L. 105–336, title I, § 109(a)–(c)(1), Oct. 31, 1998, 112 Stat. 3154–3156; Pub. L. 106–554, § 1(a)(4) [div. B, title I, § 102(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A–215; Pub. L. 107–171, title IV, § 4305(a), May 13, 2002, 116 Stat. 332; Pub. L. 108–30, § 1, May 29, 2003, 117 Stat. 774; Pub. L. 108–134, § 5(2), Nov. 22, 2003, 117 Stat. 1390; Pub. L. 108–211, § 5(b), Mar. 31, 2004, 118 Stat. 567; Pub. L. 108–265, title I, §§ 116(f), 120–124, June 30, 2004, 118 Stat. 750, 756–760; Pub. L. 109–97, title VII, § 777(a), Nov. 10, 2005, 119 Stat. 2161; Pub. L. 110–161, div. A, title VII, § 738(b), Dec. 26, 2007, 121 Stat. 1880; Pub. L. 110–234, title IV, §§ 4303, 4304 (b), May 22, 2008, 122 Stat. 1126, 1131; Pub. L. 110–246, § 4(a), title IV, §§ 4303, 4304 (b), June 18, 2008, 122 Stat. 1664, 1887, 1892.)

## References in Text

The Child Nutrition Act of 1966, referred to in subsecs. (a) and (e)(6), (7)(B)(ii), is Pub. L. 89–642, Oct. 11, 1966, 80 Stat. 885, as amended, which is classified generally to chapter 13A (§ 1771 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of this title and Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (i)(3)(B)(ii)(IV), is Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27. Title I of the Act is classified generally to subchapter I (§ 6301 et seq.) of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

## Codification

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

## Prior Provisions

A prior section 18 of act June 4, 1946, which was classified to section 1767 of this title, was repealed.

## Amendments

2008—Subsecs. (f), (g). Pub. L. 110–246, § 4304(b), redesignated subsecs. (g) and (h) as (f) and (g), respectively, and struck out former subsec. (f) which related to fresh fruit and vegetable program.

Subsec. (h). Pub. L. 110–246, § 4304(b), redesignated subsec. (i) as (h). Former subsec. (h) redesignated (g).

Pub. L. 110–246, § 4303, in par. (1)(C) inserted “promotes healthy food education in the school curriculum and” before “incorporates”, added pars. (2) and (3), and redesignated former par. (2) as (4).

Subsecs. (i), (j). Pub. L. 110–246, § 4304(b), redesignated subsec. (j) as (i). Former subsec. (i) redesignated (h).

2007—Subsecs. (f) to (k). Pub. L. 110–161 redesignated subsecs. (g) to (k) as (f) to (j), respectively, and struck out former subsec. (f) which related to simplified summer food programs.

2005—Subsec. (f)(1)(B). Pub. L. 109–97, § 777(a)(1), substituted “June 2005” for “April 2004” in introductory provisions.

Subsec. (f)(1)(B)(ii). Pub. L. 109–97, § 777(a)(2), substituted “75” for “66.67” in introductory provisions.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

2004—Subsec. (f). Pub. L. 108–265, § 116(f)(5)(A), substituted “Simplified summer food programs” for “Summer food pilot projects” in heading.

Subsec. (f)(1). Pub. L. 108–265, § 116(f)(1), added par. (1) and struck out heading and text of former par. (1), which defined “eligible State” using formula based on data available in July 2000.

Subsec. (f)(2). Pub. L. 108–265, § 116(f)(5)(B), substituted “Programs” for “Pilot projects” in heading and “food program” for “food pilot project” in text.

Pub. L. 108–265, § 116(f)(2), substituted “The” for “During the period beginning October 1, 2000, and ending June 30, 2004, the”.

Pub. L. 108–211 substituted “June 30, 2004” for “March 31, 2004”.

Subsec. (f)(3)(A), (B). Pub. L. 108–265, § 116(f)(5)(C), substituted “program” for “pilot project”.

Pub. L. 108–265, § 116(f)(3), struck out “(other than a service institution described in section 1761 (a)(7) of this title)” after “service institution”.

Subsec. (f)(5). Pub. L. 108–265, § 116(f)(5)(D), substituted “programs” for “pilot projects” in heading and “the program” for “the pilot project” in text wherever appearing.

Subsec. (f)(6). Pub. L. 108–265, § 116(f)(4), added par. (6) and struck out heading and text of former par. (6), which related to interim and final reports on pilot projects carried out under this subsec.

Subsec. (g). Pub. L. 108–265, § 120, added subsec. (g) and struck out heading and text of former subsec. (g), which related to fruit and vegetable pilot program.

Subsecs. (h) to (k). Pub. L. 108–265, §§ 121–124, added subsecs. (h) to (k).

2003—Subsec. (f)(2). Pub. L. 108–134 substituted “beginning October 1, 2000, and ending March 31, 2004” for “of fiscal years 2001 through 2003”.

Subsec. (g)(4). Pub. L. 108–30 inserted before period at end “, to remain available until the close of the school year beginning July 2003”.

2002—Subsec. (g). Pub. L. 107–171 added subsec. (g).

2000—Subsec. (f). Pub. L. 106–554 added subsec. (f).

1998—Subsec. (c). Pub. L. 105–336, § 109(a), (c)(1), redesignated subsec. (d) as (c) and struck out former subsec. (c) which related to demonstration program for prevention of boarder babies.

Subsec. (d). Pub. L. 105–336, § 109(c)(1), redesignated subsec. (f) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 105–336, § 109(a), (c)(1), redesignated subsec. (i) as (e) and struck out former subsec. (e) which related to demonstration program to provide meals and supplements outside of school hours.

Subsec. (f). Pub. L. 105–336, § 109(c)(1), redesignated subsec. (f) as (d).

Subsec. (g). Pub. L. 105–336, § 109(a), struck out subsec. (g) which related to increased choices of fruits, vegetables, legumes, cereals, and grain-based products.

Subsec. (h). Pub. L. 105–336, § 109(a), struck out subsec. (h) which related to increased choices of lowfat dairy products and lean meat and poultry products.

Subsec. (i). Pub. L. 105–336, § 109(b), (c)(1), amended subsec. (i) generally and redesignated it as subsec. (e). Prior to amendment, subsec. (i) related to reduced paperwork and application requirements and increased participation pilots.

1996—Subsec. (d)(3) to (5). Pub. L. 104–193, § 709(a), redesignated pars. (4) and (5) as (3) and (4), respectively, and struck out former par. (3) which related to pilot program for schools with universal free lunch programs to use certain methods to determine number of free, reduced price, and paid meals to be provided.

Subsec. (e)(1). Pub. L. 104–193, § 709(b)(1), designated subpar. (A) as par. (1), substituted “Secretary may establish” for “Secretary shall establish”, and struck out subpar. (B) which read as follows: “The amount of a grant under subparagraph (A) shall be equal to the amount necessary to provide meals or supplements described in such subparagraph and shall be determined in accordance with reimbursement payment rates for meals and supplements under the child and adult care food program under section 1766 of this title.”

Subsec. (e)(5). Pub. L. 104–193, § 709(b)(2), added heading and text of par. (5) and struck out former par. (5) which read as follows:

“(5)(A) Except as provided in subparagraph (B), the Secretary shall expend to carry out this subsection, from amounts appropriated for purposes of carrying out section 1766 of this title, \$325,000 for fiscal year 1995, \$475,000 for each of fiscal years 1996 and 1997, and \$525,000 for fiscal year 1998. In addition to amounts described in the preceding

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscodeprint.html>).*

sentence, the Secretary shall expend any additional amounts in any fiscal year as may be provided in advance in appropriations Acts.

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

1994—Subsec. (b)(1). Pub. L. 103–448, § 118(a), struck out “, and ending September 30, 1994” after “beginning July 1, 1987”.

Subsec. (c). Pub. L. 103–448, § 117(a)(2)(A), (b), added subsec. (c) and struck out former subsec. (c), which related to provision of food service to homeless children under age 6 in emergency shelters.

Subsecs. (e) to (i). Pub. L. 103–448, § 118(b)–(f), added subsecs. (e) to (i).

1992—Subsec. (b)(1). Pub. L. 102–342, § 301, substituted “September 30, 1994” for “September 30, 1992”.

Subsec. (c)(2). Pub. L. 102–342, § 101(a)(1), inserted “State, city, local, or county governments, other public entities, or” before “private nonprofit”.

Subsec. (c)(2)(B)(i). Pub. L. 102–512 substituted “Each private nonprofit organization” for “Each such organization”.

Subsec. (c)(3)(A). Pub. L. 102–342, § 101(a)(2), inserted at end “The projects shall receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the sponsor of any such project. The meal pattern requirements of this subparagraph may be modified as necessary by the Secretary to take into account the needs of infants.”

Subsec. (c)(5)(A). Pub. L. 102–342, § 101(a)(1), (3), substituted “not less than \$350,000 in each of fiscal years 1991 and 1992, not less than \$650,000 in fiscal year 1993, and not less than \$800,000 in fiscal year 1994,” for “and not less than \$350,000 in each of the fiscal years 1991, 1992, 1993, and 1994,” and inserted “State, city, local, or county governments, other public entities, or” before “private nonprofit”.

Subsec. (c)(7). Pub. L. 102–342, § 101(a)(4), added par. (7).

1989—Subsec. (a). Pub. L. 101–147, § 311(2), struck out “(42 U.S.C. 1771 et seq.)” after “Child Nutrition Act of 1966” and “(42 U.S.C. 1774)” after “section 5 of the Child Nutrition Act of 1966”.

Pub. L. 101–147, § 311(1), redesignated subsec. (d) as (a) and struck out former subsec. (a) which set forth statement of purpose of section and requirements for types of projects.

Subsec. (b). Pub. L. 101–147, § 311(1), redesignated subsec. (e) as (b) and struck out former subsec. (b) which provided for a study on effect of cash payments in lieu of commodities.

Subsec. (c). Pub. L. 101–147, § 311(1), redesignated subsec. (f) as (c) and struck out former subsec. (c) which related to report due not later than 18 months after Nov. 10, 1977.

Subsec. (d). Pub. L. 101–147, § 311(1), redesignated subsec. (g) as (d). Former subsec. (d) redesignated (a).

Subsec. (e). Pub. L. 101–147, § 311(1), redesignated subsec. (e) as (b).

Subsec. (e)(1). Pub. L. 101–147, § 107(1)(A), substituted “beginning July 1, 1987, and ending September 30, 1992” for “for the duration beginning July 1, 1987, and ending December 31, 1990” and inserted at end “The Secretary, directly or through contract, shall administer the project under this subsection.”

Subsec. (f). Pub. L. 101–147, § 311(1), redesignated subsec. (f) as (c).

Pub. L. 101–147, § 107(2), added subsec. (f).

Subsec. (g). Pub. L. 101–147, § 311(1), redesignated subsec. (g) as (d).

Pub. L. 101–147, § 205(a), added subsec. (g).

1988—Subsec. (e). Pub. L. 100–237 added subsec. (e).

1986—Subsec. (c). Pub. L. 99–500 and Pub. L. 99–591, § 327(b), and Pub. L. 99–661, § 4207(b), which directed the identical amendment of subsec. (c) by striking out “except for the pilot projects conducted under subsection (d) of this section,” were executed by striking out “, except for the pilot projects conducted under subsection (d) of this section” after “under this section” in introductory provisions, as the probable intent of Congress.

Subsec. (d). Pub. L. 99–500 and Pub. L. 99–591, § 327(a), and Pub. L. 99–661, § 4207(a), amended section identically, adding subsec. (d) and striking out former subsec. (d) which related to free lunches without regard to family income and to reimbursement of school food authorities.

1978—Subsec. (c). Pub. L. 95–627, § 11(1), inserted provision excluding pilot projects conducted under subsec. (d) of this section.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscp.html>).

Subsec. (d). Pub. L. 95–627, § 11(2), added subsec. (d).

### **Change of Name**

Committee on Education and the Workforce of House of Representatives changed to Committee on Education and Labor of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

### **Effective Date of 2008 Amendment**

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by sections 4303 and 4304(b) of Pub. L. 110–246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110–246, set out as a note under section 1161 of Title 2, The Congress.

### **Effective Date of 2007 Amendment**

Amendment by Pub. L. 110–161 effective on Jan. 1 of the first full calendar year following Dec. 26, 2007, see section 738(c) of Pub. L. 110–161, set out as a note under section 1761 of this title.

### **Effective Date of 2005 Amendment**

Pub. L. 109–97, title VII, § 777(b), Nov. 10, 2005, 119 Stat. 2161, provided that: “The amendments made by subsection (a) [amending this section] take effect on January 1, 2006.”

### **Effective Date of 2004 Amendment**

Amendment by section 116(f)(1), (3) of Pub. L. 108–265 effective Jan. 1, 2005, and amendment by sections 116(f)(2), (4), (5) and 120 to 124 of Pub. L. 108–265 effective June 30, 2004, see section 502(a), (b)(3) of Pub. L. 108–265, as amended, set out as an Effective Date note under section 1754 of this title.

### **Effective Date of 2002 Amendment**

Pub. L. 107–171, title IV, § 4305(b), May 13, 2002, 116 Stat. 332, provided that: “The amendment made by this section [amending this section] takes effect on the date of enactment of this Act [May 13, 2002].”

### **Effective Date of 1998 Amendment**

Amendment by Pub. L. 105–336 effective Oct. 1, 1998, see section 401 of Pub. L. 105–336, set out as a note under section 1755 of this title.

### **Effective Date of 1994 Amendment**

Amendment by Pub. L. 103–448 effective Oct. 1, 1994, see section 401 of Pub. L. 103–448, set out as a note under section 1755 of this title.

### **Effective Date of 1992 Amendment**

Section 104 of title I of Pub. L. 102–512 provided that: “This title [amending this section and section 1776 of this title and enacting provisions set out as a note under section 1771 of this title] and the amendments made by this title shall become effective on September 30, 1992.”

### **Effective Date of 1978 Amendment**

Amendment by Pub. L. 95–627 effective Oct. 1, 1978, see section 14 of Pub. L. 95–627, set out as a note under section 1755 of this title.

### **Other Demonstration Projects for Feeding Homeless Children**

Pub. L. 102–342, title I, § 101(b), Aug. 14, 1992, 106 Stat. 911, as amended by Pub. L. 105–336, title I, § 109(c)(2), Oct. 31, 1998, 112 Stat. 3157, provided that: “The Secretary of Agriculture may conduct demonstration projects to identify effective means of providing food assistance to homeless children residing in temporary shelters.”

### **Alternative Counting and Claiming Procedures; Promulgation of Regulations**

Section 205(b) of Pub. L. 101–147 provided that not later than July 1, 1990, Secretary of Agriculture was to issue final regulations to implement subsec. (g) of this section.