

## ACCOUNTABILITY FOR MIGRANT SERVICES

Pub. L. 99-500, title III, §348(b), Oct. 18, 1986, 100 Stat. 1783-366, Pub. L. 99-591, title III, §348(b), Oct. 30, 1986, 100 Stat. 3341-369, and Pub. L. 99-661, div. D, title III, §4308(b), Nov. 14, 1986, 100 Stat. 4078, provided that: "To the extent possible, accountability for migrant services under section 17(g)(2) of the Child Nutrition Act of 1966 [subsec. (g)(2) of this section] (as added by subsection (a)) shall be conducted under regulations in effect on the date of the enactment of this Act [Oct. 18, 1986]."

**§ 1787. Repealed. Pub. L. 104-193, title VII, § 730, Aug. 22, 1996, 110 Stat. 2305**

Section, Pub. L. 89-642, §18, as added Pub. L. 94-105, §23, Oct. 7, 1975, 89 Stat. 528, authorized appropriations and directed Secretary to make cash grants for nutrition education.

**§ 1788. Team nutrition network**

**(a) Purposes**

The purposes of the team nutrition network are—

(1) to establish State systems to promote the nutritional health of school children of the United States through nutrition education and the use of team nutrition messages and material developed by the Secretary, and to encourage regular physical activity and other activities that support healthy lifestyles for children, including those based on the most recent Dietary Guidelines for Americans published under section 5341 of title 7;

(2) to provide assistance to States for the development of comprehensive and integrated nutrition education and active living programs in schools and facilities that participate in child nutrition programs;

(3) to provide training and technical assistance and disseminate team nutrition messages to States, school and community nutrition programs, and child nutrition food service professionals;

(4) to coordinate and collaborate with other nutrition education and active living programs that share similar goals and purposes; and

(5) to identify and share innovative programs with demonstrated effectiveness in helping children to maintain a healthy weight by enhancing student understanding of healthful eating patterns and the importance of regular physical activity.

**(b) Definition of team nutrition network**

In this section, the term "team nutrition network" means a statewide multidisciplinary program for children to promote healthy eating and physical activity based on scientifically valid information and sound educational, social, and marketing principles.

**(c) Grants**

**(1) In general**

Subject to the availability of funds for use in carrying out this section, in addition to any other funds made available to the Secretary for team nutrition purposes, the Secretary, in consultation with the Secretary of Education, may make grants to State agencies for each fiscal year, in accordance with this section, to establish team nutrition networks to promote nutrition education through—

(A) the use of team nutrition network messages and other scientifically based information; and

(B) the promotion of active lifestyles.

**(2) Form**

A portion of the grants provided under this subsection may be in the form of competitive grants.

**(3) Funds from nongovernmental sources**

In carrying out this subsection, the Secretary may accept cash contributions from nongovernmental organizations made expressly to further the purposes of this section, to be managed by the Food and Nutrition Service, for use by the Secretary and the States in carrying out this section.

**(d) Allocation**

Subject to the availability of funds for use in carrying out this section, the total amount of funds made available for a fiscal year for grants under this section shall equal not more than the sum of—

(1) the product obtained by multiplying  $\frac{1}{2}$  cent by the number of lunches reimbursed through food service programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) during the second preceding fiscal year in schools, institutions, and service institutions that participate in the food service programs; and

(2) the total value of funds received by the Secretary in support of this section from nongovernmental sources.

**(e) Requirements for State participation**

To be eligible to receive a grant under this section, a State agency shall submit to the Secretary a plan that—

(1) is subject to approval by the Secretary; and

(2) is submitted at such time and in such manner, and that contains such information, as the Secretary may require, including—

(A) a description of the goals and proposed State plan for addressing the health and other consequences of children who are at risk of becoming overweight or obese;

(B) an analysis of the means by which the State agency will use and disseminate the team nutrition messages and material developed by the Secretary;

(C) an explanation of the ways in which the State agency will use the funds from the grant to work toward the goals required under subparagraph (A), and to promote healthy eating and physical activity and fitness in schools throughout the State;

(D) a description of the ways in which the State team nutrition network messages and activities will be coordinated at the State level with other health promotion and education activities;

(E) a description of the consultative process that the State agency employed in the development of the model nutrition and physical activity programs, including consultations with individuals and organizations with expertise in promoting public health, nutrition, or physical activity;

(F) a description of how the State agency will evaluate the effectiveness of each program developed by the State agency;

(G) an annual summary of the team nutrition network activities;

(H) a description of the ways in which the total school environment will support healthy eating and physical activity; and

(I) a description of how all communications to parents and legal guardians of students who are members of a household receiving or applying for assistance under the program shall be in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.

**(f) State coordinator**

Each State that receives a grant under this section shall appoint a team nutrition network coordinator who shall—

(1) administer and coordinate the team nutrition network within and across schools, school food authorities, and other child nutrition program providers in the State; and

(2) coordinate activities of the Secretary, acting through the Food and Nutrition Service, and State agencies responsible for other children's health, education, and wellness programs to implement a comprehensive, coordinated team nutrition network program.

**(g) Authorized activities**

A State agency that receives a grant under this section may use funds from the grant—

(1)(A) to collect, analyze, and disseminate data regarding the extent to which children and youths in the State are overweight, physically inactive, or otherwise suffering from nutrition-related deficiencies or disease conditions; and

(B) to identify the programs and services available to meet those needs;

(2) to implement model elementary and secondary education curricula using team nutrition network messages and material developed by the Secretary to create a comprehensive, coordinated nutrition and physical fitness awareness and obesity prevention program;

(3) to implement pilot projects in schools to promote physical activity and to enhance the nutritional status of students;

(4) to improve access to local foods through farm-to-cafeteria activities that may include the acquisition of food and the provision of training and education;

(5) to implement State guidelines in health (including nutrition education and physical education guidelines) and to emphasize regular physical activity during school hours;

(6) to establish healthy eating and lifestyle policies in schools;

(7) to provide training and technical assistance to teachers and school food service professionals consistent with the purposes of this section;

(8) to collaborate with public and private organizations, including community-based organizations, State medical associations, and public health groups, to develop and implement nutrition and physical education programs targeting lower income children, ethnic

minorities, and youth at a greater risk for obesity.

**(h) Local nutrition and physical activity grants**

**(1) In general**

Subject to the availability of funds to carry out this subsection, the Secretary, in consultation with the Secretary of Education, shall provide assistance to selected local educational agencies to create healthy school nutrition environments, promote healthy eating habits, and increase physical activity, consistent with the Dietary Guidelines for Americans published under section 5341 of title 7, among elementary and secondary education students.

**(2) Selection of schools**

In selecting local educational agencies for grants under this subsection, the Secretary shall—

(A) provide for the equitable distribution of grants among—

(i) urban, suburban, and rural schools; and

(ii) schools with varying family income levels;

(B) consider factors that affect need, including local educational agencies with significant minority or low-income student populations; and

(C) establish a process that allows the Secretary to conduct an evaluation of how funds were used.

**(3) Requirement for participation**

To be eligible to receive assistance under this subsection, a local educational agency shall, in consultation with individuals who possess education or experience appropriate for representing the general field of public health, including nutrition and fitness professionals, submit to the Secretary an application that shall include—

(A) a description of the need of the local educational agency for a nutrition and physical activity program, including an assessment of the nutritional environment of the school;

(B) a description of how the proposed project will improve health and nutrition through education and increased access to physical activity;

(C) a description of how the proposed project will be aligned with the local wellness policy required under section 204 of the Child Nutrition and WIC Reauthorization Act of 2004;

(D) a description of how funds under this subsection will be coordinated with other programs under this chapter, the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), or other Acts, as appropriate, to improve student health and nutrition;

(E) a statement of the measurable goals of the local educational agency for nutrition and physical education programs and promotion;

(F) a description of the procedures the agency will use to assess and publicly report progress toward meeting those goals; and

(G) a description of how communications to parents and guardians of participating students regarding the activities under this subsection shall be in an understandable and uniform format, and, to the extent maximum practicable, in a language that parents can understand.

**(4) Duration**

Subject to the availability of funds made available to carry out this subsection, a local educational agency receiving assistance under this subsection shall conduct the project during a period of 3 successive school years beginning with the initial fiscal year for which the local educational agency receives funds.

**(5) Authorized activities**

An eligible applicant that receives assistance under this subsection—

(A) shall use funds provided to—

(i) promote healthy eating through the development and implementation of nutrition education programs and curricula based on the Dietary Guidelines for Americans published under section 5341 of title 7; and

(ii) increase opportunities for physical activity through after school programs, athletics, intramural activities, and recess; and

(B) may use funds provided to—

(i) educate parents and students about the relationship of a poor diet and inactivity to obesity and other health problems;

(ii) develop and implement physical education programs that promote fitness and lifelong activity;

(iii) provide training and technical assistance to food service professionals to develop more appealing, nutritious menus and recipes;

(iv) incorporate nutrition education into physical education, health education, and after school programs, including athletics;

(v) involve parents, nutrition professionals, food service staff, educators, community leaders, and other interested parties in assessing the food options in the school environment and developing and implementing an action plan to promote a balanced and healthy diet;

(vi) provide nutrient content or nutrition information on meals served through the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 1773 of this title and items sold a la carte during meal times;

(vii) encourage the increased consumption of a variety of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products, through new initiatives to creatively market healthful foods, such as salad bars and fruit bars;

(viii) offer healthy food choices outside program meals, including by making low-fat and nutrient dense options available in vending machines, school stores, and other venues; and

(ix) provide nutrition education, including sports nutrition education, for teachers, coaches, food service staff, athletic trainers, and school nurses.

**(6) Report**

Not later than 18 months after completion of the projects and evaluations under this subsection, the Secretary shall—

(A) submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition and Forestry of the Senate a report describing the results of the evaluation under this subsection; and

(B) make the report available to the public, including through the Internet.

**(i) Nutrition education support**

In carrying out the purpose of this section to support nutrition education, the Secretary may provide for technical assistance and grants to improve the quality of school meals and access to local foods in schools and institutions.

**(j) Limitation**

Material prepared under this section regarding agricultural commodities, food, or beverages, must be factual and without bias.

**(k) Team nutrition network independent evaluation**

**(1) In general**

Subject to the availability of funds to carry out this subsection, the Secretary shall offer to enter into an agreement with an independent, nonpartisan, science-based research organization—

(A) to conduct a comprehensive independent evaluation of the effectiveness of the team nutrition initiative and the team nutrition network under this section; and

(B) to identify best practices by schools in—

(i) improving student understanding of healthful eating patterns;

(ii) engaging students in regular physical activity and improving physical fitness;

(iii) reducing diabetes and obesity rates in school children;

(iv) improving student nutrition behaviors on the school campus, including by increasing healthier meal choices by students, as evidenced by greater inclusion of fruits, vegetables, whole grains, and lean dairy and protein in meal and snack selections;

(v) providing training and technical assistance for food service professionals resulting in the availability of healthy meals that appeal to ethnic and cultural taste preferences;

(vi) linking meals programs to nutrition education activities;

(vii) successfully involving parents, school administrators, the private sector, public health agencies, nonprofit organizations, and other community partners;

(viii) ensuring the adequacy of time to eat during school meal periods; and

(ix) successfully generating revenue through the sale of food items, while providing healthy options to students through vending, student stores, and other venues.

## (2) Report

Not later than 3 years after funds are made available to carry out this subsection, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the findings of the independent evaluation.

## (I) Authorization of appropriations

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

(Pub. L. 89-642, § 19, as added Pub. L. 95-166, § 15, Nov. 10, 1977, 91 Stat. 1340; amended Pub. L. 96-499, title II, § 213, Dec. 5, 1980, 94 Stat. 2603; Pub. L. 97-35, title VIII, §§ 806, 817(f), Aug. 13, 1981, 95 Stat. 527, 532; Pub. L. 99-500, title III, §§ 315, 362, 372(b), 373(b), Oct. 18, 1986, 100 Stat. 1783-360, 1783-368, 1783-369, and Pub. L. 99-591, title III, §§ 315, 362, 372(b), 373(b), Oct. 30, 1986, 100 Stat. 3341-363, 3341-371, 3341-372; Pub. L. 99-661, div. D, title I, § 4105, title IV, § 4402, title V, §§ 4502(b), 4503(b), Nov. 14, 1986, 100 Stat. 4071, 4079-4081; Pub. L. 101-147, title I, § 124, title II, § 214, title III, § 327, Nov. 10, 1989, 103 Stat. 905, 913, 918; Pub. L. 103-448, title II, § 205, Nov. 2, 1994, 108 Stat. 4746; Pub. L. 104-193, title VII, § 731(a)-(f), Aug. 22, 1996, 110 Stat. 2305-2307; Pub. L. 105-336, title II, § 204, Oct. 31, 1998, 112 Stat. 3167; Pub. L. 106-78, title VII, § 752(b)(16), Oct. 22, 1999, 113 Stat. 1170; Pub. L. 108-265, title II, § 205(a), June 30, 2004, 118 Stat. 782.)

### REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subssecs. (d)(1) and (h)(3)(D), (5)(B)(vi), is act June 4, 1946, ch. 281, 60 Stat. 230, as amended, which is classified generally to chapter 13 (§ 1751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of this title and Tables.

Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004, referred to in subsec. (h)(3)(C), is section 204 of Pub. L. 108-265, which is set out as a note under section 1751 of this title.

### CODIFICATION

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

### AMENDMENTS

2004—Pub. L. 108-265 amended section catchline and text generally. Prior to amendment, section consisted of subssecs. (a) to (i) relating to the establishment of a system of grants to State educational agencies for the development of comprehensive nutrition education and training programs, which would include, but not be limited to, instructing students with regard to the nutritional value of foods and the relationship between food and health, training child nutrition program personnel in the principles and practices of food service management, instructing teachers in principles of nutrition education, developing and using classroom materials and curricula, and providing information to parents and caregivers regarding the nutritional value of food and the relationship between food and health.

1999—Subsec. (d). Pub. L. 106-78 made technical amendment to references in original act which appear

in text as references to sections 1761 and 1769b-1 of this title.

1998—Subsec. (i). Pub. L. 105-336 inserted subsec. heading and par. (1)(A) and struck out former subsec. heading and pars. (1) to (3)(A) which provided for grants to States for nutrition education and information programs based on rate of 50 cents for each child enrolled in schools, minimum amounts to be received by States, and authorizations of appropriations; redesignated par. (3)(B) as (1)(B); and redesignated pars. (4) and (5) as (2) and (3), respectively.

1996—Subsec. (a). Pub. L. 104-193, § 731(a)(1), substituted “that effective dissemination of scientifically valid information to children participating or eligible to participate in the school lunch and related child nutrition programs should be encouraged.” for “that—” and pars. (1) to (5) which related to priority of proper nutrition, lack of understanding of principles of good nutrition, training school employees, role of parents, and opportunities for children to learn about importance of good nutrition.

Subsec. (b). Pub. L. 104-193, § 731(a)(2), substituted “establish” for “encourage effective dissemination of scientifically valid information to children participating or eligible to participate in the school lunch and related child nutrition programs by establishing”.

Subsec. (f)(1). Pub. L. 104-193, § 731(b)(1)(B), struck out “(A)” before “The funds made available” in introductory provisions, redesignated cls. (i) to (viii) and (xx) as subpars. (A) to (H) and (I), respectively, added subpar. (J), and struck out cls. (ix) to (xix) which related to use of funds for a nutrition component usable in consumer, homemaking and health education programs, instructing staff on working with children from different backgrounds, developing means of providing nutrition education in materials to children through after-school programs, training about healthy and nutritious meals, creating instructional programming for school staff and parents, aspects of the Strategic Plan for Nutrition and Education, encouraging public service advertisements, coordinating and promoting nutrition activities in local school districts, contracting with public and private nonprofit educational institutions for nutrition education, increasing awareness of importance of breakfasts, and coordinating and promoting nutrition education under child nutrition programs.

Pub. L. 104-193, § 731(b)(1)(A), struck out subpar. (B) which read as follows: “As used in this paragraph, the term ‘language appropriate’ used with respect to materials, programming, or advertisements means materials, programming, or advertisements, respectively, using a language other than the English language in a case in which the language is dominant for a large percentage of individuals participating in the program.”

Subsec. (f)(2), (3). Pub. L. 104-193, § 731(b)(2), (3), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “Any State desiring to receive grants authorized by this section may, from the funds appropriated to carry out this section, receive a planning and assessment grant for the purposes of carrying out the responsibilities described in clauses (A), (B), (C), and (D) of paragraph (1) of this subsection. Any State receiving a planning and assessment grant, may, during the first year of participation, be advanced a portion of the funds necessary to carry out such responsibilities: *Provided*, That in order to receive additional funding, the State must carry out such responsibilities.”

Subsec. (f)(4). Pub. L. 104-193, § 731(b)(2), struck out par. (4) which read as follows: “Nothing in this section shall prohibit State or local educational agencies from making available or distributing to adults nutrition education materials, resources, activities, or programs authorized under this section.”

Subsec. (g)(1). Pub. L. 104-193, § 731(c), substituted “be available at any reasonable time” for “at all times be available” in second sentence.

Subsec. (h)(1). Pub. L. 104-193, § 731(d)(1), in second sentence, struck out “as provided in paragraph (2) of this subsection” after “needs in the State” and “as

provided in paragraph (3) of this subsection” after “prepare a State plan”.

Subsec. (h)(2). Pub. L. 104-193, § 731(d)(2), struck out at end “Such assessment shall include, but not be limited to, the identification and location of all students in need of nutrition education. The assessment shall also identify State and local individual, group, and institutional resources within the State for materials, facilities, staffs, and methods related to nutrition education.”

Subsec. (h)(3). Pub. L. 104-193, § 731(d)(3), struck out par. (3) which related to comprehensive nutrition education plan to be submitted by State coordinator within 9 months of award of planning and assessment grant and reviews in light of plan.

Subsec. (i)(2)(A). Pub. L. 104-193, § 731(e)(1), struck out “and each succeeding fiscal year” after “fiscal year 1996”.

Subsec. (i)(3) to (5). Pub. L. 104-193, § 731(e)(2), (3), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

Subsec. (j). Pub. L. 104-193, § 731(f), struck out subsec. (j) which read as follows:

“(1) The Secretary shall assess the nutrition education and training program carried out under this section to determine what nutrition education needs are for children participating under the National School Lunch Act in the school lunch program, the summer food service program, and the child care food program.

“(2) The assessment required by paragraph (1) shall be completed not later than October 1, 1990.”

1994—Subsec. (b). Pub. L. 103-448, § 205(a), substituted “education and training programs” for “information and education programs”.

Subsec. (c). Pub. L. 103-448, § 205(a), (b), substituted “education and training program” for “information and education program” in first sentence, substituted “child nutrition program personnel” for “school food service personnel” in subpar. (B), and added subpar. (E).

Subsec. (d)(1). Pub. L. 103-448, § 205(a), (c)(1), substituted “education and training program” for “information and education program” in introductory provisions and inserted “, and the provision of nutrition education to parents and caregivers” before period at end of subpar. (C).

Subsec. (d)(4). Pub. L. 103-448, § 205(c)(2), substituted “educational, school food service, child care, and summer food service personnel” for “educational and school food service personnel”.

Subsec. (d)(5). Pub. L. 103-448, § 205(c)(3), in first sentence inserted “, and in child care institutions and summer food service institutions,” after “schools”.

Subsec. (f)(1)(A). Pub. L. 103-448, § 205(d)(1), designated existing provisions of par. (1) as subpar. (A). Former subpar. (A) redesignated cl. (i).

Subsec. (f)(1)(A)(i) to (viii). Pub. L. 103-448, § 205(d)(2)–(4), redesignated subpars. (A) to (H) as cls. (i) to (viii), respectively, of subpar. (A) and realigned margins.

Subsec. (f)(1)(A)(ix). Pub. L. 103-448, § 205(d)(5), (7), added cl. (ix). Former cl. (ix) redesignated (xx).

Pub. L. 103-448, § 205(d)(3), (4), redesignated subpar. (I) as cl. (ix) of subpar. (A) and realigned margins.

Subsec. (f)(1)(A)(x) to (xix). Pub. L. 103-448, § 205(d)(7), added cls. (x) to (xix).

Subsec. (f)(1)(A)(xx). Pub. L. 103-448, § 205(d)(6), redesignated cl. (ix) as (xx).

Subsec. (f)(1)(B). Pub. L. 103-448, § 205(d)(8), added subpar. (B). Former subpar. (B) redesignated cl. (ii) of subpar. (A).

Subsec. (f)(1)(C) to (F). Pub. L. 103-448, § 205(d)(3), redesignated subpars. (C) to (F) as cls. (iii) to (vi) of subpar. (A).

Subsec. (f)(1)(G). Pub. L. 103-448, § 205(d)(3), redesignated subpar. (G) as cl. (vii) of subpar. (A).

Pub. L. 103-448, § 205(a), substituted “education and training” for “information and education”.

Subsec. (f)(1)(H), (I). Pub. L. 103-448, § 205(d)(3), redesignated subpars. (H) and (I) as cls. (viii) and (ix), respectively, of subpar. (A).

Subsec. (f)(3). Pub. L. 103-448, § 205(e), added par. (3) and struck out former par. (3) which read as follows: “An amount not to exceed 15 percent of each State’s grant may be used for up to 50 percent of the expenditures for overall administrative and supervisory purposes in connection with the program authorized under this section.”

Subsec. (h). Pub. L. 103-448, § 205(f), substituted “nutrition education and training needs” for “nutrition education needs” in par. (2) and added subpar. (F) in par. (3).

Subsec. (i)(2)(A). Pub. L. 103-448, § 205(g), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “There is authorized to be appropriated for grants to each State for the conduct of nutrition education and information programs—

“(i) \$10,000,000 for the fiscal year 1990;

“(ii) \$15,000,000 for the fiscal year 1991;

“(iii) \$20,000,000 for the fiscal year 1992; and

“(iv) \$25,000,000 for each of the fiscal years 1993 and 1994.”

Subsec. (i)(3), (4). Pub. L. 103-448, § 205(h), added par. (3) and redesignated former par. (3) as (4).

Subsec. (j)(1). Pub. L. 103-448, § 205(a), substituted “education and training program” for “information and education program”.

1989—Subsec. (d)(1)(B). Pub. L. 101-147, § 124(1)(A)(i), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “the food service management training of school food service personnel, and”.

Subsec. (d)(1)(C). Pub. L. 101-147, § 124(1)(A)(ii), substituted “schools, child care institutions, and institutions offering summer food service programs under section 13 of the National School Lunch Act” for “schools and child care institutions”.

Subsec. (d)(2). Pub. L. 101-147, §§ 124(1)(B), 327(1)(A), substituted “recommendations of State educational agencies, the Department of Health and Human Services, and other” for “recommendation of the National Advisory Council on Child Nutrition; State educational agencies; the Department of Health and Human Services; and other”.

Subsec. (d)(4). Pub. L. 101-147, §§ 124(1)(C), 327(1)(B), struck out “(12 Stat. 503, as amended; 7 U.S.C. 301-305, 307 and 308)” after “Act of July 2, 1862” and “(26 Stat. 417, as amended; 7 U.S.C. 321-326 and 328)” after “Act of August 30, 1890” and inserted “, in coordination with the activities authorized under section 21 of the National School Lunch Act”.

Subsec. (d)(5). Pub. L. 101-147, § 327(1)(C), struck out “(12 Stat. 503, as amended; 7 U.S.C. 301-305, 307, and 308)” after “Act of July 2, 1862” and “(26 Stat. 417, as amended; 7 U.S.C. 321-326 and 328)” after “act of August 30, 1890”.

Subsec. (h)(3). Pub. L. 101-147, § 327(2), in subpar. (E), struck out “(12 Stat. 503; 7 U.S.C. 301-305, 307, and 308)” after “Act of July 2, 1862” and “(26 Stat. 417, as amended; 7 U.S.C. 321-326 and 328)” after “act of August 30, 1890”.

Pub. L. 101-147, § 214, inserted at end “Each plan developed as required by this section shall be updated on an annual basis.”

Pub. L. 101-147, § 124(2), in subpar. (C), struck out “the National Advisory Council on Child Nutrition,” after “recommendations of”.

Subsec. (i)(2). Pub. L. 101-147, § 124(3), amended par. (2) generally. Prior to amendment, par. (2) read as follows:

“For the fiscal year ending September 30, 1980, and for each succeeding fiscal year ending on or before September 30, 1989, there is hereby authorized to be appropriated for grants to each State for the conduct of nutrition education and information programs, an amount equal to the higher of (A) 50 cents for each child enrolled in schools or in institutions within each State, or (B) \$50,000 for each State. There is authorized to be appropriated for the grants referred to in the preceding sentence not more than \$15,000,000 for fiscal year 1981, and not more than \$5,000,000 for each subsequent fiscal year. Grants to each State from such appropriations shall be based on a rate of 50 cents for each child

enrolled in schools or in institutions within such State, except that no State shall receive an amount less than \$50,000 for that year. If funds appropriated for such year are insufficient to pay the amount to which each State is entitled under the second preceding sentence, the amount of such grant shall be ratably reduced to the extent necessary so that the total of such amounts paid does not exceed the amount of appropriated funds. If additional funds become available for making such payments, such amounts shall be increased on the same basis as they were reduced.”

Subsec. (j). Pub. L. 101-147, §124(4), added subsec. (j). 1986—Subsec. (d)(2), (3). Pub. L. 99-500 and Pub. L. 99-591, §372(b)(1), and Pub. L. 99-661, §4502(b)(1), amended pars. (2) and (3) identically, substituting “Health and Human Services” for “Health, Education, and Welfare” in one place in par. (2) and in two places in par. (3).

Subsecs. (i), (j). Pub. L. 99-500 and Pub. L. 99-591, §§315, 362, 372(b)(2), 373(b), and Pub. L. 99-661, §§4105, 4402, 4502(b)(2), 4503(b), amended section identically, redesignating subsec. (j) as (i), substituting “1989” for “1984” in one place and “\$50,000” for “\$75,000” in two places in par. (2), and substituting “Department of Education” for “Office of Education of the Department of Health, Education, and Welfare” in par. (3).

1981—Subsec. (d)(6). Pub. L. 97-35, §817(f), struck out par. (6) relating to State prohibition on administration of program in nonprofit private schools and institutions.

Subsec. (j)(2). Pub. L. 97-35, §806, substituted provisions authorizing \$15,000,000 for fiscal year 1981 and not more than \$5,000,000 for each subsequent fiscal year for provisions authorizing \$15,000,000 for the fiscal year beginning Oct. 1, 1980, and each subsequent fiscal year.

1980—Subsec. (j)(2). Pub. L. 96-499 substituted “For the fiscal year ending September 30, 1980, and for each succeeding fiscal year ending on or before September 30, 1984” for “For the fiscal year beginning October 1, 1979” and “second preceding sentence” for “preceding sentence” and inserted provision authorizing appropriations for the fiscal year beginning October 1, 1980, and subsequent fiscal years, for the grants referred to in the preceding sentence, not more than \$15,000,000.

#### 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 1996 AMENDMENT

Pub. L. 104-193, title VII, §731(g), Aug. 22, 1996, 110 Stat. 2307, provided that: “The amendments made by subsection (e) [amending this section] shall become effective on October 1, 1996.”

#### 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 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, see section 820(a)(4) of Pub. L. 97-35, set out as a note under section 1753 of this title.

### § 1789. Department of Defense overseas dependents' schools

#### (a) Purpose of program; availability of payments and commodities

For the purpose of obtaining Federal payments and commodities in conjunction with the provision of breakfasts to students attending Department of Defense dependents' schools which are located outside the United States, its territories or possessions, the Secretary of Agriculture shall make available to the Department

of Defense, from funds appropriated for such purpose, the same payments and commodities as are provided to States for schools participating in the school breakfast program in the United States.

#### (b) Administration of program; eligibility determinations and regulations

The Secretary of Defense shall administer breakfast programs authorized by this section and shall determine eligibility for free and reduced-price breakfasts under the criteria published by the Secretary of Agriculture, except that the Secretary of Defense shall prescribe regulations governing computation of income eligibility standards for families of students participating in the school breakfast program under this section.

#### (c) Nutritional standards for meals; noncompliance with standards

The Secretary of Defense shall be required to offer meals meeting nutritional standards prescribed by the Secretary of Agriculture; however, the Secretary of Defense may authorize deviations from Department of Agriculture prescribed meal patterns and fluid milk requirements when local conditions preclude strict compliance or when such compliance is highly impracticable.

#### (d) Authorization of appropriations

Funds are hereby authorized to be appropriated for any fiscal year in such amounts as may be necessary for the administrative expenses of the Department of Defense under this section.

#### (e) Technical assistance for administration of program

The Secretary of Agriculture shall provide the Secretary of Defense with technical assistance in the administration of the school breakfast programs authorized by this section.

(Pub. L. 89-642, §20, as added Pub. L. 95-561, title XIV, §1408(b)(2), Nov. 1, 1978, 92 Stat. 2368; amended Pub. L. 99-500, title III, §328(b), Oct. 18, 1986, 100 Stat. 1783-362, and Pub. L. 99-591, title III, §328(b), Oct. 30, 1986, 100 Stat. 3341-365; Pub. L. 99-661, div. D, title II, §4208(b), Nov. 14, 1986, 100 Stat. 4073.)

#### CODIFICATION

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

#### AMENDMENTS

1986—Subsec. (d). Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661 amended subsec. (d) identically, striking out “and for payment of the difference between the value of commodities and payments received from the Secretary of Agriculture and (1) the full cost of each breakfast for each student eligible for a free breakfast, and (2) the full cost of each breakfast, less any amounts required by law or regulation to be paid by each student eligible for a reduced-price breakfast” after “this section”.

#### EFFECTIVE DATE

Section effective Oct. 1, 1978, and no provisions to be construed to impair or to prevent the taking of effect of any other Act providing for the transfer of the described functions to an executive department having responsibility for education, see section 1415 of Pub. L. 95-561, set out as a note under section 921 of Title 20, Education.