

stricting or prohibiting legally contracted commercial entity from physically combining federally donated and inspected meat or poultry from another State and to submit report to Congress not later than Sept. 1, 1996.

**§ 1763. Repealed. Pub. L. 101-147, title I, § 104, Nov. 10, 1989, 103 Stat. 883**

Section, act June 4, 1946, ch. 281, §15, formerly §14, as added May 14, 1970, Pub. L. 91-248, §9, 84 Stat. 213; amended Nov. 7, 1973, Pub. L. 93-150, §8, 87 Stat. 564; renumbered §15, June 30, 1974, Pub. L. 93-326, §2, 88 Stat. 286; Nov. 10, 1977, Pub. L. 95-166, §16, 91 Stat. 1344; Aug. 13, 1981, Pub. L. 97-35, title VIII, §819(i), 95 Stat. 533, established National Advisory Council on Child Nutrition.

**§ 1764. Repealed. Pub. L. 94-105, § 22, Oct. 7, 1975, 89 Stat. 528**

Section, act June 4, 1946, ch. 281, §15, as added June 30, 1971, Pub. L. 92-32, §1, 85 Stat. 85, authorized use, during fiscal 1971, of not to exceed \$35,000,000 from section 612c of Title 7, and not to exceed \$100,000,000 during fiscal 1972 to carry out provisions of this chapter, with unexpended funds to remain available in accordance with last sentence of section 1752 of this title.

**§ 1765. Election to receive cash payments**

(a) Notwithstanding any other provision of law, where a State phased out its commodity distribution facilities prior to June 30, 1974, such State may, for purposes of the programs authorized by this chapter and the Child Nutrition Act of 1966 [42 U.S.C. 1771 et seq.], elect to receive cash payments in lieu of donated foods. Where such an election is made, the Secretary shall make cash payments to such State in an amount equivalent in value to the donated foods that the State would otherwise have received if it had retained its commodity distribution facilities. The amount of cash payments in the case of lunches shall be governed by section 1755(c) of this title.

(b) When such payments are made, the State educational agency shall promptly and equitably disburse any cash it receives in lieu of commodities to eligible schools and institutions, and such disbursements shall be used by such schools and institutions to purchase United States agricultural commodities and other foods for their food service programs.

(June 4, 1946, ch. 281, §16, as added Pub. L. 94-105, §12, Oct. 7, 1975, 89 Stat. 515; amended Pub. L. 101-147, title III, §309, Nov. 10, 1989, 103 Stat. 915; Pub. L. 105-336, title I, §101(b), Oct. 31, 1998, 112 Stat. 3144.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Child Nutrition Act of 1966, referred to in subsec. (a), 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.

**AMENDMENTS**

1998—Subsec. (a). Pub. L. 105-336 substituted “1755(c)” for “1755(e)”.

1989—Pub. L. 101-147 inserted “Election to receive cash payments” as section catchline.

**Statutory Notes and Related Subsidiaries**

**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.

**§ 1766. Child and adult care food program**

**(a) Program purpose, grant authority and institution eligibility**

**(1) In general**

**(A) Program purpose**

**(i) Findings**

Congress finds that—

(I) eating habits and other wellness-related behavior habits are established early in life; and

(II) good nutrition and wellness are important contributors to the overall health of young children and essential to cognitive development.

**(ii) Purpose**

The purpose of the program authorized by this section is to provide aid to child and adult care institutions and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.

**(B) Grant authority**

The Secretary may carry out a program to assist States through grants-in-aid and other means to initiate and maintain non-profit food service programs for children in institutions providing child care.

**(2) Definition of institution**

In this section, the term “institution” means—

(A) any public or private nonprofit organization providing nonresidential child care or day care outside school hours for school children, including any child care center, settlement house, recreational center, Head Start center, and institution providing child care facilities for children with disabilities;

(B) any other private organization providing nonresidential child care or day care outside school hours for school children, if—

(i) at least 25 percent of the children served by the organization meet the income eligibility criteria established under section 1758(b) of this title for free or reduced price meals; or

(ii) the organization receives compensation from amounts granted to the States under title XX of the Social Security Act (42 U.S.C. 1397 et seq.) (but only if the organization receives compensation under that title for at least 25 percent of its enrolled children or 25 percent of its licensed capacity, whichever is less);

(C) any public or private nonprofit organization acting as a sponsoring organization for one or more of the organizations described in subparagraph (A) or (B) or for an