

cable in determining the national average payment rate for supplements during the fiscal year ending Sept. 30, 1981.

**§ 1766a. Meal supplements for children in after-school care**

**(a) General authority**

**(1) Grants to States**

The Secretary shall carry out a program to assist States through grants-in-aid and other means to provide meal supplements under a program organized primarily to provide care for children in afterschool care in eligible elementary and secondary schools.

**(2) Eligible schools**

For the purposes of this section, the term "eligible elementary and secondary schools" means schools that—

- (A) operate school lunch programs under this chapter;
- (B) sponsor afterschool care programs; and
- (C) operate afterschool programs with an educational or enrichment purpose.

**(b) Eligible children**

Reimbursement may be provided under this section only for supplements served to school children who are not more than 18 years of age, except that the age limitation provided by this subsection shall not apply to a child described in section 1760(d)(1)(A) of this title.

**(c) Reimbursement**

**(1) At-risk school children**

In the case of an eligible child who is participating in a program authorized under this section operated at a site located in a geographical area served by a school in which at least 50 percent of the children enrolled are certified as eligible to receive free or reduced price school meals under this chapter or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), a supplement provided under this section to the child shall be—

- (A) reimbursed at the rate at which free supplements are reimbursed under section 1766(c)(3) of this title; and
- (B) served without charge.

**(2) Other school children**

In the case of an eligible child who is participating in a program authorized under this section at a site that is not described in paragraph (1), for the purposes of this section, the national average payment rate for supplements shall be equal to those established under section 1766(c)(3) of this title (as adjusted pursuant to section 1759a(a)(3) of this title).

**(d) Contents of supplements**

The requirements that apply to the content of meal supplements served under child care food programs operated with assistance under this chapter shall apply to the content of meal supplements served under programs operated with assistance under this section.

(June 4, 1946, ch. 281, §17A, as added Pub. L. 101-147, title I, §106(a), Nov. 10, 1989, 103 Stat. 885; amended Pub. L. 105-336, title I, §108, Oct. 31, 1998, 112 Stat. 3153.)

**Editorial Notes**

REFERENCES IN TEXT

The Child Nutrition Act of 1966, referred to in subsec. (c)(1), 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)(1). Pub. L. 105-336, §108(a)(1), substituted "supplements under a program organized primarily to provide care for" for "supplements to".

Subsec. (a)(2)(C). Pub. L. 105-336, §108(a)(2), added subpar. (C) and struck out former subpar. (C) which read as follows: "are participating in the child care food program under section 1766 of this title on May 15, 1989."

Subsec. (b). Pub. L. 105-336, §108(b), substituted "served to school children who are not more than 18 years of age, except that the age limitation provided by this subsection shall not apply to a child described in section 1760(d)(1)(A) of this title." for "served to children—

"(1) who are not more than 12 years of age; or

"(2) in the case of children of migrant workers or children with handicaps, who are not more than 15 years of age."

Subsec. (c). Pub. L. 105-336, §108(c), added par. (1), designated existing provisions as par. (2), inserted heading, and substituted "In the case of an eligible child who is participating in a program authorized under this section at a site that is not described in paragraph (1), for the purposes" for "For the purposes".

**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.

REGULATIONS

Pub. L. 101-147, title I, §106(b), Nov. 10, 1989, 103 Stat. 886, provided that: "Not later than July 1, 1990, the Secretary of Agriculture shall issue final regulations to implement section 17A of the [Richard B. Russell] National School Lunch Act [this section] (as added by subsection (a) of this section)."

**§ 1766b. Repealed. Pub. L. 105-336, title I, § 107(j)(2)(C)(i), Oct. 31, 1998, 112 Stat. 3153**

Section, act June 4, 1946, ch. 281, §17B, as added Pub. L. 103-448, title I, §117(a)(1), Nov. 2, 1994, 108 Stat. 4715, related to homeless children nutrition program.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1999, see section 107(j)(4) of Pub. L. 105-336, set out as an Effective Date of 1998 Amendment note under section 1761 of this title.

**§§ 1767, 1768. Repealed. Pub. L. 99-500, title III, § 371(a)(1), Oct. 18, 1986, 100 Stat. 1783-368, and Pub. L. 99-591, title III, § 371(a)(1), Oct. 30, 1986, 100 Stat. 3341-371; Pub. L. 99-661, div. D, title V, § 4501(a)(1), Nov. 14, 1986, 100 Stat. 4080**

Pub. L. 99-591 is a corrected version of Pub. L. 99-500. Section 1767, act June 4, 1946, ch. 281, §18, as added Oct. 7, 1975, Pub. L. 94-105, §19, 89 Stat. 526, authorized nutrition program staff study.

Section 1768, act June 4, 1946, ch. 281, §19, as added Oct. 7, 1975, Pub. L. 94-105, §20, 89 Stat. 527, authorized appropriations to assist Trust Territory of Pacific Islands.

**§ 1769. Pilot projects**

**(a) Repealed. Pub. L. 111-296, title IV, § 441(a)(9), Dec. 13, 2010, 124 Stat. 3264**

**(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) The Secretary may conduct pilot projects to test alternative counting and claiming procedures.

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

**(d) to (f) Repealed. Pub. L. 111-296, title IV, § 441(a)(11)–(13), Dec. 13, 2010, 124 Stat. 3264**

**(g) Access to local foods: farm to school program**

**(1) Definition of eligible school**

In this subsection, the term “eligible school” means a school or institution that participates in a program under this chapter or the school breakfast program established under section 1773 of this title.

**(2) Program**

The Secretary shall carry out a program to assist eligible schools, State and local agencies, Indian tribal organizations, agricultural producers or groups of agricultural producers, and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

**(3) Grants**

**(A) In general**

The Secretary shall award competitive grants under this subsection to be used for—

- (i) training;
- (ii) supporting operations;
- (iii) planning;
- (iv) purchasing equipment;
- (v) developing school gardens;
- (vi) developing partnerships; and
- (vii) implementing farm to school programs.

**(B) Regional balance**

In making awards under this subsection, the Secretary shall, to the maximum extent practicable, ensure—

- (i) geographical diversity; and
- (ii) equitable treatment of urban, rural, and tribal communities.

**(C) Maximum amount**

The total amount provided to a grant recipient under this subsection shall not exceed \$100,000.

**(4) Federal share**

**(A) In general**

The Federal share of costs for a project funded through a grant awarded under this subsection shall not exceed 75 percent of the total cost of the project.

**(B) Federal matching**

As a condition of receiving a grant under this subsection, a grant recipient shall provide matching support in the form of cash or in-kind contributions, including facilities, equipment, or services provided by State and local governments, nonprofit organizations, and private sources.

**(5) Criteria for selection**

To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall give the highest priority to funding projects that, as determined by the Secretary—

(A) make local food products available on the menu of the eligible school;

(B) serve a high proportion of children who are eligible for free or reduced price lunches;

(C) incorporate experiential nutrition education activities in curriculum planning that encourage the participation of school children in farm and garden-based agricultural education activities;

(D) demonstrate collaboration between eligible schools, nongovernmental and community-based organizations, agricultural producer groups, and other community partners;

(E) include adequate and participatory evaluation plans;

(F) demonstrate the potential for long-term program sustainability; and

(G) meet any other criteria that the Secretary determines appropriate.

**(6) Evaluation**

As a condition of receiving a grant under this subsection, each grant recipient shall agree to cooperate in an evaluation by the Secretary of the program carried out using grant funds.

**(7) Technical assistance**

The Secretary shall provide technical assistance and information to assist eligible schools, State and local agencies, Indian tribal organizations, and nonprofit entities—

(A) to facilitate the coordination and sharing of information and resources in the Department that may be applicable to the farm to school program;

(B) to collect and share information on best practices; and

(C) to disseminate research and data on existing farm to school programs and the potential for programs in underserved areas.