

111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

### Statutory Notes and Related Subsidiaries

#### PURPOSE

Pub. L. 110-247, §2, June 20, 2008, 122 Stat. 2314, provided that: “The purpose of this Act [enacting this section and provisions set out as notes under this section and section 1771 of this title] is to encourage executive agencies and contractors of executive agencies, to the maximum extent practicable and safe, to donate excess, apparently wholesome food to feed food-insecure people in the United States.”

#### DEFINITIONS

Pub. L. 110-247, §3, June 20, 2008, 122 Stat. 2314, provided that: “In this Act [enacting this section and provisions set out as notes under this section and section 1771 of this title]:

“(1) APPARENTLY WHOLESOME FOOD.—The term ‘apparently wholesome food’ has the meaning given the term in section 2(b) [probably means subsec. (b)] of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)).

“(2) EXCESS.—The term ‘excess’, when applied to food, means food that—

“(A) is not required to meet the needs of executive agencies; and

“(B) would otherwise be discarded.

“(3) FOOD-INSECURE.—The term ‘food-insecure’ means inconsistent access to sufficient, safe, and nutritious food.

“(4) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means any organization that is—

“(A) described in section 501(c) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)]; and

“(B) exempt from tax under section 501(a) of that Code [26 U.S.C. 501(a)].”

### § 1793. Grants for expansion of school breakfast programs

#### (a) Definition of qualifying school

In this section, the term “qualifying school” means a school in severe need, as described in section 1773(d)(1) of this title.

#### (b) Establishment

Subject to the availability of appropriations provided in advance in an appropriations Act specifically for the purpose of carrying out this section, the Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to State educational agencies for the purpose of providing subgrants to local educational agencies for qualifying schools to establish, maintain, or expand the school breakfast program in accordance with this section.

#### (c) Grants to State educational agencies

##### (1) Application

To be eligible to receive a grant under this section, a State educational agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

##### (2) Administration

In carrying out this section, the Secretary shall—

(A) develop an appropriate competitive application process; and

(B) make information available to State educational agencies concerning the availability of funds under this section.

#### (3) Allocation

The amount of grants provided by the Secretary to State educational agencies for a fiscal year under this section shall not exceed the lesser of—

(A) the product obtained by multiplying—

(i) the number of qualifying schools receiving subgrants or other benefits under subsection (d) for the fiscal year; and

(ii) the maximum amount of a subgrant provided to a qualifying school under subsection (d)(4)(B); or

(B) \$2,000,000.

#### (d) Subgrants to qualifying schools

##### (1) In general

A State educational agency receiving a grant under this section shall use funds made available under the grant to award subgrants to local educational agencies for a qualifying school or groups of qualifying schools to carry out activities in accordance with this section.

##### (2) Priority

In awarding subgrants under this subsection, a State educational agency shall give priority to local educational agencies with qualifying schools in which at least 75 percent of the students are eligible for free or reduced price school lunches under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

##### (3) State and district training and technical support

A local educational agency or State educational agency may allocate a portion of each subgrant to provide training and technical assistance to the staff of qualifying schools to carry out the purposes of this section.

##### (4) Amount; term

###### (A) In general

Except as otherwise provided in this paragraph, a subgrant provided by a State educational agency to a local educational agency or qualifying school under this section shall be in such amount, and shall be provided for such term, as the State educational agency determines appropriate.

###### (B) Maximum amount

The amount of a subgrant provided by a State educational agency to a local educational agency for a qualifying school or a group of qualifying schools under this subsection shall not exceed \$10,000 for each school year.

###### (C) Maximum grant term

A local educational agency or State educational agency shall not provide subgrants to a qualifying school under this subsection for more than 2 fiscal years.

##### (e) Best practices

###### (1) In general

Prior to awarding grants under this section, the Secretary shall make available to State educational agencies information regarding the most effective mechanisms by which to in-

crease school breakfast participation among eligible children at qualifying schools.

**(2) Preference**

In awarding subgrants under this section, a State educational agency shall give preference to local educational agencies for qualifying schools or groups of qualifying schools that have adopted, or provide assurances that the subgrant funds will be used to adopt, the most effective mechanisms identified by the Secretary under paragraph (1).

**(f) Use of funds**

**(1) In general**

A qualifying school may use a grant provided under this section—

(A) to establish, promote, or expand a school breakfast program of the qualifying school under this section, which shall include a nutritional education component;

(B) to extend the period during which school breakfast is available at the qualifying school;

(C) to provide school breakfast to students of the qualifying school during the school day; or

(D) for other appropriate purposes, as determined by the Secretary.

**(2) Requirement**

Each activity of a qualifying school under this subsection shall be carried out in accordance with applicable nutritional guidelines and regulations issued by the Secretary.

**(g) Maintenance of effort**

Grants made available under this section shall not diminish or otherwise affect the expenditure of funds from State and local sources for the maintenance of the school breakfast program.

**(h) Reports**

Not later than 18 months following the end of a school year during which subgrants are awarded under this section, the Secretary shall submit to Congress a report describing the activities of the qualifying schools awarded subgrants.

**(i) Evaluation**

Not later than 180 days before the end of a grant term under this section, a local educational agency that receives a subgrant under this section shall—

(1) evaluate whether electing to provide universal free breakfasts under the school breakfast program in accordance with Provision 2 as established under subsections (b) through (k) of section 245.9 of title 7, Code of Federal Regulations (or successor regulations), would be cost-effective for the qualified schools based on estimated administrative savings and economies of scale; and

(2) submit the results of the evaluation to the State educational agency.

**(j) Authorization of appropriations**

There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2010 through 2015.

(Pub. L. 89-642, §23, as added Pub. L. 111-296, title I, §105, Dec. 13, 2010, 124 Stat. 3201.)

**Editorial Notes**

REFERENCES IN TEXT

The Richard B. Russell National School Lunch Act, referred to in subsec. (d)(2), is act June 4, 1946, ch. 281, 60 Stat. 230, 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.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Section effective Oct. 1, 2010, except as otherwise specifically provided, see section 445 of Pub. L. 111-296, set out as an Effective Date of 2010 Amendment note under section 1751 of this title.

**CHAPTER 14—DEVELOPMENT AND CONTROL OF ATOMIC ENERGY**

**§§ 1801 to 1819. Transferred**

**Editorial Notes**

CODIFICATION

The Atomic Energy Act of 1946, which was formerly classified to sections 1801 to 1819 of this title, was act Aug. 1, 1946, ch. 724, 60 Stat. 755. Act Aug. 1, 1946, was renamed the Atomic Energy Act of 1954 and completely amended by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, and is classified principally to chapter 23 (§2011 et seq.) of this title. Provisions enacted in the Aug. 30, 1954, amendment largely corresponded to and expanded upon the provisions in the original Atomic Energy Act of 1946, as described below.

Section 1801, act Aug. 1, 1946, ch. 724, §1, 60 Stat. 755, related to declaration of policy and purpose of chapter. For corresponding provisions from the Aug. 30, 1954, amendment, see sections 2011 to 2013 of this title.

Section 1802, acts Aug. 1, 1946, ch. 724, §2, 60 Stat. 756; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; July 3, 1948, ch. 828, 62 Stat. 1259; Oct. 11, 1949, ch. 673, §§1-3, 63 Stat. 762; Sept. 23, 1950, ch. 1000, §§1, 2, 64 Stat. 979; July 31, 1953, ch. 283, §1, 67 Stat. 240, related to establishment of Atomic Energy Commission, its membership, tenure, compensation, and appointment of certain officers and committees. For corresponding provisions from the Aug. 30, 1954, amendment, see sections 2031 to 2038 of this title.

Section 1803, act Aug. 1, 1946, ch. 724, §3, 60 Stat. 758, related to research and development activities by Commission. For corresponding provisions from the Aug. 30, 1954, amendment, see sections 2051 to 2053 of this title.

Section 1804, act Aug. 1, 1946, ch. 724, §4, 60 Stat. 759, related to production of fissionable material, prohibited acts, ownership and operation of production facilities, irradiation of materials, and manufacture of production facilities. For corresponding provisions from the Aug. 30, 1954, amendment, see sections 2061 to 2112 of this title.

Section 1805, acts Aug. 1, 1946, ch. 724, §5, 60 Stat. 760; Oct. 30, 1951, ch. 633, 65 Stat. 692; Aug. 13, 1954, ch. 730, §10(a)-(c), 68 Stat. 715, 716, related to control of fissionable materials. For corresponding provisions from the Aug. 30, 1954, amendment, see sections 2061 to 2112 of this title.

Section 1806, act Aug. 1, 1946, ch. 724, §6, 60 Stat. 763, related to military application of atomic energy. For corresponding provisions from the Aug. 30, 1954, amendment, see sections 2121 and 2122 of this title.

Section 1807, act Aug. 1, 1946, ch. 724, §7, 60 Stat. 764, related to license requirements for utilization of atomic energy, reports to Congress, and issuance of licenses. For corresponding provisions from the Aug. 30, 1954, amendment, see sections 2131 to 2140 of this title.

Section 1808, act Aug. 1, 1946, ch. 724, §8, 60 Stat. 765, related to force and effect of international agreements.